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

09/24/04

RE: Proposed Title V Chapter 3745-77 Permit
07-73-00-0080
Sunoco Inc (R&M)

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 Sunoco Inc (R&M), has been created in Ohio EPA's State Air Resources System (STARS) on 09/24/04, 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, Supervisor
Field Operations and Permit Section
Division of Air Pollution Control

cc: Portsmouth Air Pollution Group
File, DAPC PMU

State of Ohio Environmental Protection Agency

PROPOSED TITLE V PERMIT

Issue Date: 09/24/04	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: 07-73-00-0080 to:
Sunoco Inc (R&M)
1019 Haverhill-Ohio Furnace Road
Haverhill, OH 45636-0127

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

B004 (2001-UA)
Natural Gas,Oil or By-product Fuel Fired Boiler

B005 (2001-UB)
Natural Gas,Oil or By-product Fuel Fired Boiler

B006 (2001-UC)
Natural Gas,Oil or By-product Fuel Fired Boiler

B009 (2001-UD)
Natural Gas & Oil Fired Boiler

B010 (2001-UE)
Natural Gas,Oil or By-product Fuel Fired Boiler

B014 (2001-UF)
Natural Gas Fired Boiler with low NOx burner

F001 (Polycarbonate and Epoxy Grade BPA Railcar Loading)
Poly/Epoxy BPA Railcar Loading

F002 (Poly and Epoxy Grade BPA Bagging/Warehouse Sweeper)
Poly/Epoxy BPA Bagging Operations and Vacuum Sweeper System

F003 (Polycarbonate Grade BPA Truck Loading)
Poly BPA Truck Loading

F004 (Polycarbonate Grade BPA Powerliner)
BPA Powerliner

J004 (Phenol/Acetone/AMS Railcar Loading)
Phenol/Acetone/AMS Railcar Loading

J006 (Phenol/Acetone/AMS Truck Loading)
Phenol/Acetone/AMS Truck Loading

J008 (Cumene Railcar Unloading)
Cumene Railcar Unloading

P001 (Cumene Oxidation)
Cumene Oxidation Process Unit

P003 (BPA Process Unit)
Bisphenol-A Process Unit

P004 (Aniline Process Unit)
Aniline Process Unit

P006 (AMS Hydrogenation Process Unit)
AMS Hydrogenation Process Unit

P007 (Phenol II Process Unit)
Phenol II Process Unit

P008 (Phenol I Process Unit)
Phenol I Process Unit

P009 (Phenol WWT)
Phenol Waste Water Treatment

P012 (Phenol III Process Unit)
Phenol III Process Unit

T022 (2003-F)
Light Hydrocarbon Fuel Storage Tank

T023 (2101-FA)
Cumene Storage Tank

T024 (2101-FB)
Cumene Storage Tank

T025 (2102-FA)
Phenol Storage Tank

T026 (2102-FB)
Phenol Storage Tank

T029 (2104-F)
Heavy Hydrocarbons Storage Tank

T030 (2105-F)
Heavy Hydrocarbons Storage Tank

T033 (2101-FC)
Cumene Storage Tank

T034 (2102-FC)
Phenol Storage Tank

T039 (2003-FA)
Cumene or Crude AMS Storage Tank

T045 (F-91A)
Aniline Storage Tank

T046 (F-91B)
Aniline Storage Tank

T059 (3510-F)
Alpha Methyl Styrene Hydrogenation Feed Tank

T063 (2108-F)
Heavy Hydrocarbons Storage Tank

T064 (326-F)
Hydrogenation AMS Storage Tank

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:

Portsmouth Air Pollution Group
605 Washington Street, Third Floor
Portsmouth, OH 45662
(740) 353-5156

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

I. Applicable Emission Limitations and/or Control Requirements Pertaining to Facility-wide Fugitive Equipment Leaks:

1. Applicable Rules and Emission Limitations:

OAC rule 3745-31-05(A)(3)VOC emissions from facility-wide fugitive equipment leaks shall not exceed 147.80 tons per year.

Acetone emissions from facility-wide fugitive equipment leaks shall not exceed 73.89 tons per year.

Ammonia emissions from facility-wide fugitive equipment leaks shall not exceed 183.31 tons per year.

2. Additional Terms and Conditions

2.a Modifications of the equipment at this facility shall not require a PTI pursuant to OAC Chapter 3745-31 that result solely in increases in fugitive equipment leaks unless and until the calculated facility-wide PTE for fugitive emissions equals or exceeds the appropriate facility-wide allowable fugitive emission limit in A.I.1.

2.b The permittee shall consider only those fugitive emissions from the equipment being installed or modified (i.e., not the facility-wide fugitive equipment limit) when determining applicability under OAC rule 3745-31-11 through OAC rule 3745-31-20.

2.c The permittee shall maintain a leak detection and repair (LDAR) program for equipment (pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, or instrumentation system) in volatile organic compound (VOC) service at the facility. The LDAR program shall be maintained in accordance with the requirements specified in 40 CFR Part 63, Subpart H (see Attachment 3).

For specific equipment which are subject to the provisions of 40 CFR Part 60, Subpart VV and also subject to 40 CFR Part 63, Subpart H, the permittee is required to only comply with 40 CFR Part 63, Subpart H. The provisions in 40 CFR 63.1(a)(3) of Subpart A do not alter the provisions in this section.

For equipment in VOC service which are subject to 40 CFR Part 60, Subpart VV, but are not subject to 40 CFR Part 63, Subpart H, the permittee has elected to apply 40 CFR Part 63, Subpart H to all such equipment, in accordance with 40 CFR 63.160(c) of Subpart H. All VOC in such equipment shall be considered, for purposes of applicability and compliance with 40 CFR Part 63, Subpart H, as if it were organic HAP. Compliance with the provisions of 40 CFR Part 63, Subpart H, in the manner described in this section, shall be deemed to constitute compliance with 40 CFR Part 60, Subpart VV.

For equipment in VOC service which are subject to OAC rule 3745-21-09(DD), the permittee shall maintain a LDAR program for equipment in VOC service. Consistent with U.S. EPA streamlining policy, the permittee has elected to demonstrate compliance with OAC rule 3745-21-09(DD) by demonstrating compliance with the equipment leak standards in 40 CFR Part 63, Subpart H and considering all VOC as if it were organic HAP. The requirements in 40 CFR Part 63, Subpart H are generally more stringent than the LDAR requirements of OAC rule 3745-21-09(DD).

3. Operational Restrictions

None

4. Monitoring and/or Record keeping

a. Monitoring for the LDAR program shall comply with Method 21 of 40 CFR Part 60, Appendix A, as specified in 40 CFR 63.180 (see Attachment 3).

The permittee shall maintain records for the LDAR program in accordance with the requirements of 40 CFR 63.181 (see Attachment 3).

5. Reporting Requirements

a. The permittee shall submit semiannual reports for the LDAR program for equipment in accordance with the requirements of 40 CFR 63.182 (see Attachment 3).

b. Reports required by 40 CFR Part 63, Subparts F, G, and H (see Attachments 1, 2, and 3) shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(c) (see Attachment 1).

c. By February 15 of each year, the permittee shall submit a report to the Portsmouth local air agency that specifies the VOC, acetone and ammonia emissions from the facility-wide fugitive equipment during the previous calendar year. Each report also shall include the calculations for the VOC, acetone and ammonia emissions.

6. Testing Requirements

a. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

i. Emission Limitation:

VOC emissions from facility-wide fugitive equipment leaks shall not exceed 147.80 tons per year.

Acetone emissions from facility-wide fugitive equipment leaks shall not exceed 73.89 tons per year.

Ammonia emissions from facility-wide fugitive equipment leaks shall not exceed 183.31 tons per year.

Applicable Compliance Method:

The facility-wide PTE fugitive emissions shall be calculated using the following methodology:

The facility-wide PTE fugitive emissions are based upon the sum of PTE fugitive emissions from components in each emissions unit at the facility. These components include all valves, pumps, pressure relief valves, connectors, open-ended lines, and sampling connections in regulated service at the facility. PTE fugitive emissions are calculated using the facility component count, component service type, and PTE fugitive emission factors.

PTE fugitive emission factors are calculated utilizing synthetic organic chemical manufacturing industry (SOCMI) Screening Ranges Emission Factors and SOCMI Average Emission Factors as listed in U.S. EPA's "Protocol for Equipment Leak Emission Estimates" (EPA-453/R-95-017). The service type for each component is determined according to the definitions contained in the SOCMI NESHAP (40 CFR Part 63, Subpart H) for gas, light liquid, and heavy liquid service. For the purposes of regulatory overlap (applicability and compliance) with 40 CFR Part 60, Subpart VV and OAC rule 3745-21-09(DD), all VOC in such equipment at the facility is considered as if it were organic HAP.

The PTE fugitive emission factors for monitored components in light liquid and gas/vapor service are calculated using the SOCMI Screening Ranges Emission Factors and "potential to emit" leak rates. A leak rate of 0.5% for pumps in light liquid service and a leak rate of 0.1% for all other monitored components in light liquid and gas/vapor service is used to calculate "potential to emit" leak rates. PTE fugitive emission factors are then calculated for each component type based on the SOCMI Screening Ranges Emission Factors and the "potential to emit" leak rates using the following equation:

PTE Fugitive Emission Factor = PTE Leak Rate * (>10,000 ppm Screening Ranges Emission Factor) + (1 – PTE Leak Rate) * (<10,000 ppm Screening Ranges Emission Factor)

This same methodology is used to calculate the PTE fugitive emission factors for all components in heavy liquid service using a "potential to emit" leak rate of 0.1%. The PTE fugitive emission factors for unmonitored components in light liquid and gas/vapor service (i.e. components in acetone or ammonia service that are not required to be monitored by any applicable regulations) are set equal to the SOCMI Average Emission Factors. The table below lists the SOCMI Screening Ranges and Average Emissions Factors, the leak rate (if any), and the resulting PTE fugitive emission factor for each component type.

The PTE fugitive emissions can be calculated by multiplying all the components in a given service type by the respective PTE fugitive emission factor as listed in the table below. The summation of emissions from all components in each service type is the facility-wide PTE fugitive emissions.

	Service Component	Screening Concentrations >10,000 ppm lb/hr	Screening Concentrations < 10,000 ppm lb/hr	Assumed % of components Leaking for Year (%)	Facility PTE Emission Factor Set lb/hr
Monitored Gas/Vapor and Light Liquid components	Gas/Vapor				
	Valves	0.172	0.000289	0.1	0.000461
	Compressor Seals	3.545	0.197	0.1	0.2003
	Pressure Relief Valves	3.728	0.0985	0.1	0.1021
	Connectors (Flanges)	0.249	0.00018	0.1	0.000429
	Open-Ended Lines	0.0264	0.0033	0.1	0.00332
	Sampling Connections	-	-	Default to Average Factor	0.0331
	Light Liquid				
	Valves	0.197	0.000364	0.1	0.000561
	Pump Seals/Agitator Seals	0.536	0.0041	0.5	0.00676
	Connectors (Flanges)	0.249	0.00018	0.1	0.000429
	Open-Ended Lines	0.02635	0.0033	0.1	0.00332
	Sampling Connections	-	-	Default to Average Factor	0.0331
Unmonitored Heavy Liquid Components	Heavy Liquid				
	Valves	0.00051	0.00051	0.1	0.00051
	Pump Seals	0.476	0.0046	0.1	0.00507
	Connectors (Flanges)	0.249	0.00018	0.1	0.000429
	Open-Ended Lines	0.02635	0.0033	0.1	0.00332
	Sampling Connections	-	-	Default to Average Factor	0.0331

		Facility PTE Emission Factor Set equal to SOCMI Average Emission Factors lb/hr
Unmonitored Light Liquid and Gas/Vapor Components	Gas/Vapor	
	Valves	0.0132
	Compressor Seals	0.503
	Pressure Relief Valves	0.229
	Connectors (Flanges)	0.00403
	Open-Ended Lines	0.0037
	Sampling Connections	0.0331
	Light Liquid	
	Valves	0.00888
	Pump Seals/Agitator Seals	0.0439
	Connectors (Flanges)	0.00403
	Open-Ended Lines	0.0037
	Sampling Connections	0.0331

II. Requirements of 40 CFR Part 60, Subpart NNN

[The following emissions units contained in this permit are subject to 40 CFR Part 60, Subpart NNN: P003, P004, P007, P008, P012, and P013.]

40 CFR 60.660 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to each affected facility designated in paragraph (b) of this section that is part of a process unit that produces any of the chemicals listed in §60.667 as a product, co-product, by-product, or intermediate, except as provided in paragraph (c).

(b) The affected facility is any of the following for which construction, modification, or reconstruction commenced after December 30, 1983:

(1) Each distillation unit not discharging its vent stream into a recovery system.
(2) Each combination of a distillation unit and the recovery system into which its vent stream is discharged.
(3) Each combination of two or more distillation units and the common recovery system into which their vent streams are discharged.

(c) Exemptions from the provisions of paragraph (a) of this section are as follows:

(1) Any distillation unit operating as part of a process unit which produces coal tar or beverage alcohols, or which uses, contains, and produces no VOC is not an affected facility.
(2) Any distillation unit that is subject to the provisions of Subpart DDD is not an affected facility.
(3) Any distillation unit that is designed and operated as a batch operation is not an affected facility.
(4) Each affected facility that has a total resource effectiveness (TRE) index value greater than 8.0 is exempt from all provisions of this subpart except for §§60.662; 60.664(d), (e), and (f); and 60.665 (h) and (l).
(5) Each affected facility in a process unit with a total design capacity for all chemicals produced within that unit of less than one gigagram per year is exempt from all provisions of this subpart except for the record keeping and reporting requirements in paragraphs (j), (l)(6), and (n) of §60.665.
(6) Each affected facility operated with a vent stream flow rate less than 0.008 scm/min is exempt from all provisions of this subpart except for the test method and procedure and the record keeping and reporting requirements in §60.664(g) and paragraph (i), (l)(5), and (o) of §60.665.

(d) *Alternative means of compliance.*

(1) *Option to comply with part 65.* Owners or operators of process vents that are subject to this subpart may choose to comply with the provisions of 40 CFR part 65, subpart D, to satisfy the requirements of §§60.662 through 60.665 and 60.668. The provisions of 40 CFR part 65 also satisfy the criteria of paragraphs (c)(4) and (6) of this section. Other provisions applying to an owner or operator who chooses to comply with 40 CFR part 65 are provided in 40 CFR 65.1.
(2) *Part 60, subpart A.* Owners or operators who choose to comply with 40 CFR part 65, subpart D, must also comply with §§60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for those process vents. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (d)(2) do not apply to

owners or operators of process vents complying with 40 CFR part 65, subpart D, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with 40 CFR part 65, subpart D, must comply with 40 CFR part 65, subpart A.
(3) *Compliance date.* Owners or operators who choose to comply with 40 CFR part 65, subpart D, at initial startup shall comply with paragraphs (d)(1) and (2) of this section for each vent stream on and after the date on which the initial performance test is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial startup, whichever date comes first.
(4) *Initial startup notification.* Each owner or operator subject to the provisions of this subpart that chooses to comply with 40 CFR part 65, subpart D, at initial startup shall notify the Administrator of the specific provisions of 40 CFR 65.63(a)(1), (2), or (3), with which the owner or operator has elected to comply. Notification shall be submitted with the notifications of initial startup required by 40 CFR 65.5(b).

NOTE: The intent of these standards is to minimize the emissions of VOC through the application of best demonstrated technology (BDT). The numerical emission limits in these standards are expressed in terms of total organic compounds (TOC), measured as TOC less methane and ethane. This emission limit reflects the performance of BDT.

40 CFR 60.661 Definitions.

As used in this subpart, all terms not defined here shall have the meaning given them in the Act and in subpart A of part 60, and the following terms shall have the specific meanings given them.

Batch distillation operation means a noncontinuous distillation operation in which a discrete quantity or batch of liquid feed is charged into a distillation unit and distilled at one time. After the initial charging of the liquid feed, no additional liquid is added during the distillation operation.

Boiler means any enclosed combustion device that extracts useful energy in the form of steam.

By compound means by individual stream components, not carbon equivalents.

Continuous recorder means a data recording device recording an instantaneous data value at least once every 15 minutes.

Distillation operation means an operation separating one or more feed stream(s) into two or more exit stream(s), each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor-phase as they approach equilibrium within the distillation unit.

Distillation unit means a device or vessel in which distillation operations occur, including all associated internals (such as trays or packing) and accessories (such as reboiler, condenser, vacuum pump, steam jet, etc.), plus any associated recovery system.

Flame zone means the portion of the combustion chamber in a boiler occupied by the flame envelope.

Flow indicator means a device which indicates whether gas flow is present in a vent stream.

Halogenated vent stream means any vent stream determined to have a total concentration (by volume) of compounds containing halogens of 20 ppmv (by compound) or greater.

Incinerator means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

Process heater means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that is heated to produce steam.

Process unit means equipment assembled and connected by pipes or ducts to produce, as intermediates or final products, one or more of the chemicals in §60.667. A process unit can operate independently if supplied with sufficient fuel or raw materials and sufficient product storage facilities.

Product means any compound or chemical listed in §60.667 that is produced for sale as a final product as that chemical, or for use in the production of other chemicals or compounds. By-products, co-products, and intermediates are considered to be products.

Recovery device means an individual unit of equipment, such as an absorber, carbon adsorber, or condenser, capable of and used for the purpose of recovering chemicals for use, reuse, or sale.

Recovery system means an individual recovery device or series of such devices applied to the same vent stream. *Total organic compounds* (TOC) means those compounds measured according to the procedures in §60.664(b)(4). For the purposes of measuring molar composition as required in §60.664(d)(2)(i); hourly emissions rate as required in §60.664(d)(5) and §60.664(e); and TOC concentration as required in §60.665(b)(4) and §60.665(g)(4), those compounds which the Administrator has determined do not contribute appreciably to the formation of ozone are to be excluded. The compounds to be excluded are identified in Environmental Protection Agency's statements on ozone abatement policy for State Implementation Plans (SIP) revisions (42 FR 35314; 44 FR 32042; 45 FR 32424; 45 FR 48942).

TRE index value means a measure of the supplemental total resource requirement per unit reduction of TOC associated with an individual distillation vent stream, based on vent stream flow rate, emission rate of TOC net heating value, and corrosion properties (whether or not the vent stream is halogenated), as quantified by the equation given under §60.664(e).

Vent stream means any gas stream discharged directly from a distillation facility to the atmosphere or indirectly to the atmosphere after diversion through other process equipment. The vent stream excludes relief valve discharges and equipment leaks including, but not limited to, pumps, compressors, and valves.

40 CFR 60.662 Standards.

Each owner or operator of any affected facility shall comply with paragraph (a), (b), or (c) of this section for each vent stream on and after the date on which the initial performance test required by §60.8 and §60.664 is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial start-up, whichever date comes first. Each owner or operator shall either:

(a) Reduce emissions of TOC (less methane and ethane) by 98 weight-percent, or to a TOC (less methane and ethane) concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen, whichever is less stringent. If a

boiler or process heater is used to comply with this paragraph, then the vent stream shall be introduced into the flame zone of the boiler or process heater; or

(b) Combust the emissions in a flare that meets the requirements of §60.18; or
(c) Maintain a TRE index value greater than 1.0 without use of VOC emission control devices.

40 CFR 60.663 Monitoring of emissions and operations.

(a) The owner or operator of an affected facility that uses an incinerator to seek to comply with the TOC emission limit specified under §60.662(a) shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment:
(1) A temperature monitoring device equipped with a continuous recorder and having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius or ±0.5EC, whichever is greater.
(i) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox.
(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.
(2) A flow indicator that provides a record of vent stream flow to the incinerator at least once every hour for each affected facility. The flow indicator shall be installed in the vent stream from each affected facility at a point closest to the inlet of each incinerator and before being joined with any other vent stream.

(b) The owner or operator of an affected facility that uses a flare to seek to comply with §60.662(b) shall install, calibrate, maintain and operate according to manufacturer's specifications the following equipment:
(1) A heat sensing device, such as a ultra-violet beam sensor or thermocouple, at the pilot light to indicate the continuous presence of a flame.
(2) A flow indicator that provides a record of vent stream flow to the flare at least once every hour for each affected facility. The flow indicator shall be installed in the vent stream from each affected facility at a point closest to the flare and before being joined with any other vent stream.

(c) The owner or operator of an affected facility that uses a boiler or process heater to seek to comply with §60.662(a) shall install, calibrate, maintain and operate according to the manufacturer's specifications the following equipment:

(1) A flow indicator that provides a record of vent stream flow to the boiler or process heater at least once every hour for each affected facility. The flow indicator shall be installed in the vent stream from each distillation unit within an affected facility at a point closest to the inlet of each boiler or process heater and before being joined with any other vent stream.
(2) A temperature monitoring device in the firebox equipped with a continuous recorder and having an accuracy of ±1 percent of the temperature being measured expressed in degrees Celsius or ±0.5EC, whichever is greater, for boilers or process heaters of less than 44 MW (150 million Btu/hr) heat input design capacity.

(d) Monitor and record the periods of operation of the boiler or process heater if the design heat input capacity of the boiler or process heater is 44 MW (150 million Btu/hr) or greater. The records must be readily available for inspection.

(e) The owner or operator of an affected facility that seeks to comply with the TRE index value limit specified under §60.662(c) shall install, calibrate, maintain, and operate according to manufacturer's specifications the

following equipment, unless alternative monitoring procedures or requirements are approved for that facility by the Administrator:
(1) Where an absorber is the final recovery device in the recovery system:
(i) A scrubbing liquid temperature monitoring device having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius or ±0.5EC, whichever is greater, and a specific gravity monitoring device having an accuracy of ±0.02 specific gravity units, each equipped with a continuous recorder, or
(ii) An organic monitoring device used to indicate the concentration level of organic compounds exiting the recovery device based on a detection principle such as infrared, photoionization, or thermal conductivity, each equipped with a continuous recorder.
(2) Where a condenser is the final recovery device in the recovery system:
(i) A condenser exit (product side) temperature monitoring device equipped with a continuous recorder and having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius or ±0.5EC, whichever is greater, or
(ii) An organic monitoring device used to monitor organic compounds exiting the recovery device based on a detection principle such as infra-red, photoionization, or thermal conductivity, each equipped with a continuous recorder.
(3) Where a carbon adsorber is the final recovery device unit in the recovery system:
(i) An integrating steam flow monitoring device having an accuracy of ±10 percent, and a carbon bed temperature monitoring device having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius or ±0.5EC, whichever is greater, both equipped with a continuous recorder, or
(ii) An organic monitoring device used to indicate the concentration level of organic compounds exiting the recovery device based on a detection principle such as infra-red, photoionization, or thermal conductivity, each equipped with a continuous recorder.

(f) An owner or operator of an affected facility seeking to demonstrate compliance with the standards specified under §60.662 with control devices other than incinerator, boiler, process heater, or flare; or recovery device other than an absorber, condenser, or carbon adsorber shall provide to the Administrator information describing the operation of the control device or recovery device and the process parameter(s) which would indicate proper operation and maintenance of the device. The Administrator may request further information and will specify appropriate monitoring procedures or requirements.

See section 40 CFR 60.664 for test methods and procedures .

40 CFR 60.665 Reporting and record keeping requirements.

(a) Each owner or operator subject to §60.662 shall notify the Administrator of the specific provisions of §60.662 (§60.662(a), (b), or (c)) with which the owner or operator has elected to comply. Notification shall be submitted with the notification of initial start-up required by §60.7(a)(3). If an owner or operator elects at a later date to use an alternative provision of §60.662 with which he or she will comply, then the Administrator shall be notified by the owner or operator 90 days before implementing a change and, upon implementing the change, a performance test shall be performed as specified by §60.664 within 180 days.

(b) Each owner or operator subject to the provisions of this subpart shall keep an up-to-date, readily accessible record of the following data measured during each performance test, and also include the following data in the report of the initial performance test required under §60.8. Where a boiler or process heater with a design heat input capacity of 44 MW (150 million Btu/hour) or greater is used to comply with §60.662(a), a report containing performance test data need not be submitted, but a report containing the information in §60.665(b)(2)(i) is required. The same data specified in this section shall be submitted in the reports of all

subsequently required performance tests where either the emission control efficiency of a control device, outlet concentration of TOC, or the TRE index value of a vent stream from a recovery system is determined.
(1) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.662(a) through use of either a thermal or catalytic incinerator:
(i) The average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed for a catalytic incinerator), measured at least every 15 minutes and averaged over the same time period of the performance testing, and
(ii) The percent reduction of TOC determined as specified in §60.664(b) achieved by the incinerator, or the concentration of TOC (ppmv, by compound) determined as specified in §60.664(b) at the outlet of the control device on a dry basis corrected to 3 percent oxygen.
(2) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.662(a) through use of a boiler or process heater:
(i) A description of the location at which the vent stream is introduced into the boiler or process heater, and
(ii) The average combustion temperature of the boiler or process heater with a design heat input capacity of less than 44 MW (150 million Btu/hr) measured at least every 15 minutes and averaged over the same time period of the performance testing.
(3) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.662(b) through use of a smokeless flare, flare design (i.e., steam-assisted, air-assisted or nonassisted), all visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the performance test, continuous records of the flare pilot flame monitoring, and records of all periods of operations during which the pilot flame is absent.
(4) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with §60.662(c):
(i) Where an absorber is the final recovery device in the recovery system, the exit specific gravity (or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the Administrator), and average exit temperature, of the absorbing liquid measured at least every 15 minutes and averaged over the same time period of the performance testing (both measured while the vent stream is normally routed and constituted), or
(ii) Where a condenser is the final recovery device in the recovery system, the average exit (product side) temperature measured at least every 15 minutes and averaged over the same time period of the performance testing while the vent stream is routed and constituted normally, or
(iii) Where a carbon adsorber is the final recovery device in the recovery system, the total steam mass flow measured at least every 15 minutes and averaged over the same time period of the performance test (full carbon bed cycle), temperature of the carbon bed after regeneration (and within 15 minutes of completion of any cooling cycle(s)), and duration of the carbon bed steaming cycle (all measured while the vent stream is routed and constituted normally), or
(iv) As an alternative to §60.665(b)(4) (i), (ii) or (iii), the concentration level or reading indicated by the organics monitoring device at the outlet of the absorber, condenser, or carbon adsorber, measured at least every 15 minutes and averaged over the same time period of the performance testing while the vent stream is normally routed and constituted.
(v) All measurements and calculations performed to determine the TRE index value of the vent stream.
(c) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored under §60.663(a) and (c) as well as up-to-date, readily accessible records of periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. The Administrator may at any time require a report of these data. Where a combustion device is used to comply with §60.662(a), periods of operation during which the parameter boundaries established during the most recent performance tests are exceeded are defined as follows:

(1) For thermal incinerators, all 3-hour periods of operation during which the average combustion temperature was more than 28EC (50EF) below the average combustion temperature during the most recent performance test at which compliance with §60.662(a) was determined.

(2) For catalytic incinerators, all 3-hour periods of operation during which the average temperature of the vent stream immediately before the catalyst bed is more than 28EC (50EF) below the average temperature of the vent stream during the most recent performance test at which compliance with §60.662(a) was determined. The owner or operator also shall record all 3-hour periods of operation during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference of the device during the most recent performance test at which compliance with §60.662(a) was determined.
(3) All 3-hour periods of operation during which the average combustion temperature was more than 28EC (50EF) below the average combustion temperature during the most recent performance test at which compliance with §60.662(a) was determined for boilers or process heaters with a design heat input capacity of less than 44 MW (150 million Btu/hr).
(4) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under §60.662(a).

(d) Each owner or operator subject to the provisions of this subpart shall keep up to date, readily accessible continuous records of the flow indication specified under §60.663(a)(2), §60.663(b)(2) and §60.663(c)(1), as well as up-to-date, readily accessible records of all periods when the vent stream is diverted from the control device or has no flow rate.

(e) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 MW (150 million Btu/hour) or greater to comply with §60.662(a) shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State or Federal regulatory requirements.)

(f) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible continuous records of the flare pilot flame monitoring specified under §60.663(b), as well as up-to-date, readily accessible records of all periods of operations in which the pilot flame is absent.

(g) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored under §60.663(e), as well as up-to-date, readily accessible records of periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. The Administrator may at any time require a report of these data. Where an owner or operator seeks to comply with §60.662(c), periods of operation during which the parameter boundaries established during the most recent performance tests are exceeded are defined as follows:

(1) Where an absorber is the final recovery device in a recovery system, and where an organic compound monitoring device is not used:
(i) All 3-hour periods of operation during which the average absorbing liquid temperature was more than 11EC (20EF) above the average absorbing liquid temperature during the most recent performance test, or
(ii) All 3-hour periods of operation during which the average absorbing liquid specific gravity was more than 0.1 unit above, or more than 0.1 unit below, the average absorbing liquid specific gravity during the most recent performance test (unless monitoring of an alternative parameter, which is a measure of the degree of absorbing

liquid saturation, is approved by the Administrator, in which case he will define appropriate parameter boundaries and periods of operation during which they are exceeded).
(2) Where a condenser is the final recovery device in a system, and where an organic compound monitoring device is not used, all 3-hour periods of operation during which the average exit (product side) condenser operating temperature was more than 6EC (11EF) above the average exit (product side) operating temperature during the most recent performance test.
(3) Where a carbon adsorber is the final recovery device in a system, and where an organic compound monitoring device is not used:
(i) All carbon bed regeneration cycles during which the total mass steam flow was more than 10 percent below the total mass steam flow during the most recent performance test, or
(ii) All carbon bed regeneration cycles during which the temperature of the carbon bed after regeneration (and after completion of any cooling cycle(s)) was more than 10 percent greater than the carbon bed temperature (in degrees Celsius) during the most recent performance test.
(4) Where an absorber, condenser, or carbon adsorber is the final recovery device in the recovery system and where an organic compound monitoring device is used, all 3-hour periods of operation during which the average organic compound concentration level or reading of organic compounds in the exhaust gases is more than 20 percent greater than the exhaust gas organic compound concentration level or reading measured by the monitoring device during the most recent performance test.
(h) Each owner or operator of an affected facility subject to the provisions of this subpart and seeking to demonstrate compliance with §60.662(c) shall keep up-to-date, readily accessible records of:
(1) Any changes in production capacity, feedstock type, or catalyst type, or of any replacement, removal or addition of recovery equipment or a distillation unit;
(2) Any recalculation of the TRE index value performed pursuant to §60.664(f); and
(3) The results of any performance test performed pursuant to the methods and procedures required by §60.664(d).
(i) Each owner or operator of an affected facility that seeks to comply with the requirements of this subpart by complying with the flow rate cutoff in §60.660(c)(6) shall keep up-to-date, readily accessible records to indicate that the vent stream flow rate is less than 0.008 scm/min (0.3 scf/min) and of any change in equipment or process operation that increases the operating vent stream flow rate, including a measurement of the new vent stream flow rate.
(j) Each owner or operator of an affected facility that seeks to comply with the requirements of this subpart by complying with the design production capacity provision in §60.660(c)(5) shall keep up-to-date, readily accessible records of any change in equipment or process operation that increases the design production capacity of the process unit in which the affected facility is located.
(k) Each owner and operator subject to the provisions of this subpart is exempt from the quarterly reporting requirements contained in §60.7(c) of the General Provisions.
(l) Each owner or operator that seeks to comply with the requirements of this subpart by complying with the requirements of §60.660(c)(4), (c)(5), or (c)(6) or §60.662 shall submit to the Administrator semiannual reports of the following recorded information. The initial report shall be submitted within 6 months after the initial start-up date.
(1) Exceedances of monitored parameters recorded under §60.665(c) and (g).
(2) All periods recorded under §60.665(d) when the vent stream is diverted from the control device or has no flow rate.
(3) All periods recorded under §60.665(e) when the boiler or process heater was not operating.
(4) All periods recorded under §60.665(f) in which the pilot flame of the flare was absent.
(5) Any change in equipment or process operation that increases the operating vent stream flow rate above the low flow exemption level in §60.660(c)(6), including a measurement of the new vent stream flow rate, as recorded under §60.665(i). These must be reported as soon as possible after the change and no later than 180

days after the change. These reports may be submitted either in conjunction with semiannual reports or as a single separate report. A performance test must be completed with the same time period to verify the recalculated flow value and to obtain the vent stream characteristics of heating value and E_{TOC}. The performance test is subject to the requirements of §60.8 of the General Provisions. Unless the facility qualifies for an exemption under the low capacity exemption status in §60.660(c)(5), the facility must begin compliance with the requirements set forth in §60.662.
(6) Any change in equipment or process operation, as recorded under paragraph (j) of this section, that increases the design production capacity above the low capacity exemption level in §60.660(c)(5) and the new capacity resulting from the change for the distillation process unit containing the affected facility. These must be reported as soon as possible after the change and no later than 180 days after the change. These reports may be submitted either in conjunction with semiannual reports or as a single separate report. A performance test must be completed within the same time period to obtain the vent stream flow rate, heating value, and E_{TOC}. The performance test is subject to the requirements of §60.8. The facility must begin compliance with the requirements set forth in §60.660(d) or §60.662. If the facility chooses to comply with §60.662, the facility may qualify for an exemption in §60.660(c)(4) or (6).
(7) Any recalculation of the TRE index value, as recorded under §60.665(h).
(m) The requirements of §60.665(l) remain in force until and unless EPA, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such State. In that event, affected sources within the State will be relieved of the obligation to comply with §60.665(l), provided that they comply with the requirements established by the State.
(n) Each owner or operator that seeks to demonstrate compliance with §60.660(c)(5) must submit to the Administrator an initial report detailing the design production capacity of the process unit.
(o) Each owner or operator that seeks to demonstrate compliance with §60.660(c)(6) must submit to the Administrator an initial report including a flow rate measurement using the test methods specified in §60.664.
(p) The Administrator will specify appropriate reporting and record keeping requirements where the owner or operator of an affected facility complies with the standards specified under §60.662 other than as provided under §60.663(a), (b), (c) and (d).

40 CFR 60.666 Reconstruction.

For purposes of this subpart "fixed capital cost of the new components," as used in §60.15, includes the fixed capital cost of all depreciable components which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following December 30, 1983. For purposes of this paragraph, "commenced" means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

See section 40 CFR 60.667 for the listing of chemicals affected by Subpart NNN.

40 CFR 60.668 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under §111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.
(b) Authorities which will not be delegated to States: §60.663(e).

III. Requirements of 40 CFR Part 63, Subpart A

[The following emissions units contained in this permit are subject to 40 CFR Part 63, Subpart A: B009, B014, J004, J006, J008, P001, P003, P004, P006, P007, P008, P009, P012, P013, T022, T023, T024, T025, T026, T029, T030, T033, T034, T039, T045, T046, T059, T063, and T064.]

40 CFR 63.1 Applicability.

(a) *General*.
(1) Terms used throughout this part are defined in section 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 section 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) [Reserved]
(8) [Reserved]
(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 section 63.9(i).
(13) [Removed]
(14) [Removed]
(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 section 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 section 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) [Reserved]
(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.

40 CFR 63.2 Definitions.

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

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

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

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

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

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

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

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in 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 plan [Removed]

Compliance schedule means: (1) In the case of an affected source that is in compliance with all applicable requirements established under this part, a statement that the source will continue to comply with such requirements; or
(2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or
(3) In the case of an affected source not in compliance with all applicable requirements established under this part, a schedule of remedial measures, including an enforceable sequence of actions or operations with milestones and a schedule for the submission of certified progress reports, where applicable, leading to compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established pursuant to section 112 of the Act for which the affected source is not in compliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

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

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

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

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

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

Effective date means:
(1) With regard to an emission standard established under this part, the date of promulgation in the FEDERAL REGISTER of such standard; or
(2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part.

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

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

EPA means the United States Environmental Protection Agency.

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

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

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

Federally enforceable means all limitations and conditions that are enforceable by the Administrator and citizens under the Act or that are enforceable under other statutes administered by the Administrator. Examples of federally enforceable limitations and conditions include, but are not limited to:
(1) Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the Act as amended in 1990;
(2) New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990;
(3) All terms and conditions in a title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;
(4) Limitations and conditions that are part of an approved State Implementation Plan (SIP) or a Federal Implementation Plan (FIP);
(5) Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR part 51;

(6) Limitations and conditions that are part of an operating permit where the permit and the permitting program pursuant to which it was issued meet all of the following criteria:
(i) The operating permit program has been submitted to and approved by EPA into a State implementation plan (SIP) under section 110 of the CAA;
(ii) The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA;
(iii) The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable";
(iv) The limitations, controls, and requirements in the permit in question are permanent, quantifiable, and otherwise enforceable as a practical matter; and
(v) The permit in question was issued only after adequate and timely notice and opportunity for comment for EPA and the public.

(7) Limitations and conditions in a State rule or program that has been approved by the EPA under subpart E of this partfor the purposes of implementing and enforcing section 112; and
(8) Individual consent agreements that the EPA has legal authority to create.

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

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

Hazardous air pollutant means any air pollutant listed in or pursuant to section 112(b) of the Act.
Issuance of a part 70permit will occur, if the State is the permitting authority, in accordance with the requirements of part 70 of this chapter and the applicable, approved State permit program. When the EPA is the permitting authority, issuance of a title V permit occurs immediately after the EPA takes final action on the final permit.

Lesser quantity [Removed]

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

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner 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," and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term "new affected source," which will be the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

(1) Emission reduction impacts of controlling individual sources versus groups of sources;
(2) Cost effectiveness of controlling individual equipment;
(3) Flexibility to accommodate common control strategies;
(4) Cost/benefits of emissions averaging;
(5) Incentives for pollution prevention;
(6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);
(7) Feasibility and cost of monitoring; and
(8) Other relevant factors.

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

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

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

Owner or operator means any person who owns, leases, operates, controls, or supervises a stationary source.
Part 70 permit [Removed]

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

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

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

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

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

Permit revision means any permit modification or administrative permit amendment to a title V permit as defined in regulations codified in this chapter to implement title V of the Act (42 U.S.C. 7661).
Permitting authority means: (1) The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or
(2) The Administrator, in the case of EPA-implemented permit programs under title V of the Act (42 U.S.C. 7661).

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 section 63.1(a)(4), and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:
(1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:
(i) The facilities employ more than 250 persons or have gross annual sales or ex penditures exceeding $25 million (in second quarter 1980 dollars); or
(ii) The delegation of authority to such representative is approved in advance by the Administrator.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).
(4) For affected sources (as defined in this part) applying for or subject to a title V permit: "responsible official" shall have the same meaning as defined in part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever is applicable.

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

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

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

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 (68EF) 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.

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
EK = 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
V = ohm
Fg = microgram = 10^{-6} gram
Fl = microliter = 10^{-6} liter

(b) *Other units of measure:*

Btu = British thermal unit
EC = 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
EF = 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. H_2O = 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
ER = 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

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

40 CFR 63.5 Preconstruction review and notification requirements.

(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 affected 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 section 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 section 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 section 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 section 63.9(h) [see section 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 section 63.9(b)(2)). The owner or operator must include in the request information sufficient for the Administrator's determination. The Administrator will evaluate the owner or operator's request

in accordance with the procedures specified in paragraph (e) of this section. The Administrator may request additional relevant information after the submittal of a request for approval of construction or reconstruction under this paragraph (f)(2).

40 CFR 63.6 Compliance with standards and maintenance requirements.

(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 section 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 affected 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 sections 112(d), 112(f), or 112(h) of the Act but before the effective date (that is, promulgation) of such standard shall comply with the relevant emission standard not later than the date 3 years after the effective date if:

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

(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 section 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) [Reserved]
(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," or other effective form of record keeping 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 section 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 section 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 section 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 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 section 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 section 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 section 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 section 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 section 63.7(e) of this subpart; and

(D) The performance test was appropriately quality-assured, as specified in section 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 section 63.7 and section 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 section 63.7 and section 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 section 63.7(e); and

(D) The opacity or visible emission test was appropriately quality-assured, as specified in section 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 section 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 section 63.7 unless one of the following conditions applies:

(A) If no performance test under section 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 section 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 section 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 section 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 section 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*.

(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 section 63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of section 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 section 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 section 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 section 63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under section 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 section 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 section 63.8(e), that the COMS has been properly maintained, operated, and data quality-assured, as specified in section 63.8(c) section 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 section 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 section 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 section 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 dateof denial. Emission standards established under this part may specify alternative dates for the submittal

of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.

(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) [Reserved]

(D) [Reserved]

(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.

40 CFR 63.7 Performance testing requirements.

(a) *Applicability and performance test dates*.

(1) The applicability of this section is set out in section 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 section 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 section 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 section 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 section 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 the notification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.
(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 section 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, record keeping, 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 "completed" when field sample collection is terminated. The

owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator [see section 63.9(i)]. The results of the performance test shall be submitted as part of the notification of compliance status required under section 63.9(h). Before a title Vpermit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(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 section 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 section 63.6(i), section 63.9(h), and section 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 section 63.6(i)(8); or

(ii) Approves or disapproves a site-specific test plan under section 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.

40 CFR 63.8 Monitoring requirements.

(a) *Applicability*.
(1) The applicability of this section is set out in section 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 section 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 section 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 section 63.90(a) for definition).

(iii) Owners or operators with flares subject to section 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 section 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 section 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 section 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 internalsystem 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 section 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 record keeping 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 section 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 section 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 Administrator' 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 section 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 section 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 section 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 section 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 section 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 section 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 section 63.7 and described in section 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 section 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 section 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 section 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 section 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 section 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 section 63.7, or other tests performed following the criteria in section 63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2if the control device exhaust emission rate is less than 50 percent of the level

needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(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 section 63.2.

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 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 section 63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

40 CFR 63.9 Notification requirements.

(a) *Applicability and general information.*
(1) The applicability of this section is set out in section 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 section 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 section 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 section 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 section 63.5(d)(1)(i); and

(ii) [Reserved]

(iii) [Reserved]

(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 section 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 section 63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in section 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 section 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 section 63.6(i)(4) through section 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 section 63.6(b)(3) and section 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 section 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 section 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 section 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 section 63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under section 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 section 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 section 63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by section 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 section 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 section 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of section 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 sectioneach 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.

40 CFR 63.10 Record keeping and reporting requirements.

(a) *Applicability and general information*.

(1) The applicability of this section is set out in section 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 record keeping 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 section 63.13).

(ii) After a State has been delegated the authority to implement and enforce record keeping 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 section 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 section 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 60part 61 or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in section 63.9(i).

(b) *General record keeping 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 section 63.6(e)(3));

(v) All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see section 63.6(e)(3)) when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of record keeping, in order to minimize the record keeping 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 record keeping 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 section 63.8(f)(6); and

(xiv) All documentation supporting initial notifications and notifications of compliance status under section 63.9.

(3) *Record keeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more

hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make afinding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under section 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 record keeping 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) [Reserved]

(3) [Reserved]

(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 section 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 section 63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative record keeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the record keeping requirements of the startup, shutdown, and malfunction plan specified in section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 63.8(e), simultaneously with the results of the performance test required under section 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 section 63.7 and described in section 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 section 63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under section 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 section 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 record keeping 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 record keeping 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 section 63.8(c)(7) and section 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 section 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 record keeping or reporting is made, the application shall accompany the request for an extension of compliance under section 63.6(i), any required compliance progress report or compliance status report required under this part [such as under section 63.6(i) and section 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 record keeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of record keeping 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 record keeping or reporting requirement granted under this paragraph may be conditioned on other record keeping 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.

40 CFR 63.11 Control device requirements.

(a) *Applicability.* The applicability of this section is set out in section 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 V_{max}, as determined by the following equation:

$V_{max}=(X_{H2}-K_1)* K_2$

Where:

V_{max}=Maximum permitted velocity, m/sec.

K_1=Constant, 6.0 volume-percent hydrogen.

K_2=Constant, 3.9(m/sec)/volume-percent hydrogen.

X_{H2}=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 section 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 25EC and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20EC.
K=Constant=

$$1.740 \times 10^{-7} \text{ (1 / ppmv)(g-mole / scm)(MJ / kcal)}$$

where the standard temperature for (g-mole/scm) is 20EC.
C_i=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 section 63.14).
H_i=Net heat of combustion of sample component i, kcal/g-mole at 25EC 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 section 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 Methods 2, 2A, 2C, or 2D in Appendix A to 40 CFR part 60, of this chapter, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

(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 V_{max}, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

$$\text{Log}_{10}(V_{max})=(H_T+28.8)/31.7$$

Where:
V_{max}=Maximum permitted velocity, m/sec.
28.8=Constant.
31.7=Constant.

H_T=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 V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$V_{max}=8.71 + 0.708(H_T)$

Where:

V_{max}=Maximum permitted velocity, m/sec.

8.71=Constant.

0.708=Constant.

H_T=The net heating value as determined in paragraph (b)(6)(ii) of this section.

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.

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.

40 CFR 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capital Street, NW, suite 700, Washington, DC, at the Air and Radiation Docket and Information Center, U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(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 section 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 section 63.788, Appendix A.

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for section 63.11(b)(6).
(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for section 63.788, Appendix A.
(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for section 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 section 63.111 and section 63.2406.

(9) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for section 63.786(b).
(10) ASTM 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 63.786(b).
(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for sections 63.750(b)(2) and 63.786(b)(5).
(19) [Reserved]

(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 section 63.5350.

(22) [Reserved]
(23) [Reserved]
(24) ASTM D2697-86 (Reapproved 1998), "Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings," IBR approved for sections 63.3161(f)(1), 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 sections 63.3161(f)(1), 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 (Reapproved 2003), "Standard Test Method for Density of Liquid Coatings, Inks, and Related Products," IBR approved for sections 63.3151(b), 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 section 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 sections 63.5799 and 63.5850.

(30) ASTM E 515-95 (Reapproved 2000), Standard Test Method for Leaks Using Bubble Emission Techniques, IBR approved for section 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 section 63.3981, appendix A.

(32) ASTM D5965-02, "Standard Test Methods for Specific Gravity of Coating Powders," IBR approved for sections 63.3151(b) and 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 section 63.3981, appendix A.

(34) E145-94 (Reapproved 2001), Standard Specification for Gravity-Convection and Forced-Ventilation Ovens, IBR approved for section 63.4581, Appendix A.

(35) [Reserved]

(36) ASTM D5066-91 (Reapproved 2001), "Standard Test Method for Determination of the Transfer Efficiency Under Production Conditions for Spray Application of Automotive Paints-Weight Basis," IBR approved for section 63.3161(g).

(37) ASTM 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)," IBR approved for sections 63.3165(e) and 63.3176, appendix A.

(38) ASTM 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)," IBR approved for section 63.3165(e).

(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 section 63.111 and section 63.2406.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for section 63.150(g)(3)(i)(C) of subpart G 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, 1200 Pennsylvania Ave., NW., Washington, DC.
[section 63.14(d) added at 61 FR 25399, May 21, 1996; introductory text amended at 66 FR 47325, Aug. 2, 2000]

(1) *California Regulatory Requirements Applicable to the Air Toxics Program*, January 5, 1999, IBR approved for section 63.99(a)(5)(ii) of subpart E of this part.
[section 63.14(d)(1) added at 61 FR 25399, May 21, 1996; amended at 62 FR 65024, Dec. 10, 1997; 63 FR 26465,

(2) New Jersey's *Toxic Catastrophe Prevention Act Program*, (July 20, 1998), Incorporation By Reference approved for section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 63.626(d)(3)(vi).
(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for section 63.626(d)(3)(vi).
(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for section 63.626(d)(3)(vi).
(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for section 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 section 63.606(c)(3)(ii) and section 63.626(c)(3)(ii).
(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus: P_2O_5 or $Ca_3(PO_4)_2$, Method A-Volumetric Method, IBR approved for section 63.606(c)(3)(ii) and section 63.626(c)(3)(ii).
(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method B-Gravimetric Quimociac Method, IBR approved for section 63.606(c)(3)(ii) and section 63.626(c)(3)(ii).
(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method C-Spectrophotometric Method, IBR approved for section 63.606(c)(3)(ii) and section 63.626(c)(3)(ii).
(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method A- Volumetric Method, IBR approved for section 63.606(c)(3)(ii), section 63.626(c)(3)(ii), and section 63.626(d)(3)(v).
(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method B- Gravimetric Quimociac Method, IBR approved for section 63.606(c)(3)(ii), section 63.626(c)(3)(ii), and section 63.626(d)(3)(v).
(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method C- Spectrophotometric Method, IBR approved for section 63.606(c)(3)(ii), section 63.626(c)(3)(ii), and section 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," IBR approved for section 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," IBR approved for section 63.1206(c)(6)(iii).

(3) ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]," IBR approved for sections 63.865(b), 63.3166(a)(3), 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 63.9323(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 section 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," (Revision 2, April 1998) as published in EPA Publication SW-846: "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." The incorporation by reference of Method 9071B is approved for Section 63.7824(e) of Subpart FFFFF of this part.

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.

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 record keeping 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 record keeping 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 record keeping 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 record keeping must be reported not less frequently than once in every six months.

IV. Requirements of 40 CFR Part 61, Subpart FF

Benzene waste operations

a. [40 CFR 61.342(a)]
The permittee of a facility at which the total annual benzene quantity from facility waste is less than 10 megagrams per year (Mg/yr) shall be exempt from the requirements of 40 CFR 61.342(b) and (c). The total annual benzene quantity from facility waste is the sum of the annual benzene quantity for each waste stream at the facility that has a flow-weighted annual average water content greater than 10 percent or that is mixed with water, or other wastes, at any time and the mixture has an annual average water content greater than 10 percent. The benzene quantity in a waste stream is to be counted only once without multiple counting if other waste streams are mixed with or generated from the original waste stream. Other specific requirements for calculating the total annual benzene waste quantity are listed in 40 CFR 61.342(a)(1) through (a)(4).

b. [40 CFR 61.355(a)]
The permittee shall determine the total annual benzene quantity from facility waste by the following procedure:

i. [40 CFR 61.355(a)(1)]
For each waste stream subject to 40 CFR Part 61, Subpart FF having a flow-weighted annual average water content greater than 10 percent water, on a volume basis as total water, or is mixed with water or other wastes at any time and the resulting mixture has an annual average water content greater than 10 percent as specified in 40 CFR 61.342(a), the permittee shall:

(1) determine the annual waste quantity for each waste stream using the procedures specified in 40 CFR 61.355(b) and A.4.c.

(2) determine the flow-weighted annual average benzene concentration for each waste stream using the procedures specified in 40 CFR 61.355(c) and A.4.d.

(3) calculate the annual benzene quantity for each waste stream by multiplying the annual waste quantity of the waste stream times the flow-weighted annual average benzene concentration.

ii. [40 CFR 61.355(a)(2)]
Total annual benzene quantity from facility waste is calculated by adding together the annual benzene quantity for each waste stream generated during the year and the annual benzene quantity for each process unit turnaround waste annualized according to 40 CFR 61.355(b)(4).

iii. [40 CFR 61.355(a)(3)]
If the total annual benzene quantity from facility waste is equal to or greater than 10 mg/yr, then the permittee shall comply with the requirements of 40 CFR 61.342 (c), (d), or (e).

iv. [40 CFR 61.355(a)(4)]
If the total annual benzene quantity from facility waste is less than 10 Mg/yr but is equal to or greater than 1 Mg/yr, then the permittee shall:

(1) comply with the record keeping requirements of 40 CFR 61.356, A.6.e, A.4.f and the reporting requirements of 40 CFR 61.357 and A.4.f; and

(2) repeat the determination of total annual benzene quantity from facility waste at least once per year and whenever there is a change in the process generating the waste that could cause the total annual benzene quantity from facility waste to increase to 10 Mg/yr or more.

v. [40 CFR 61.355(a)(5)]
If the total annual benzene quantity from facility waste is less than 1 Mg/yr, then the permittee shall:
(1) comply with the record keeping requirements of 40 CFR 61.356, A.4.e, and A.4.f and the reporting requirements of 40 CFR 61.357 and A.4.g; and
(2) repeat the determination of total annual benzene quantity from facility waste whenever there is a change in the process generating the waste that could cause the total annual benzene quantity from facility waste to increase to 1 Mg/yr or more.

c. [40 CFR 61.355(b)]
For purposes of the calculation required by 40 CFR 61.355(a), the permittee shall determine the annual waste quantity at the point of waste generation, unless otherwise provided in 40 CFR 61.355 (b) (1), (2), (3), and (4), by one of the methods given in 40 CFR 61.355(b) (5) through (7) and A.4.c.i through A.4.c.iii.
i. select the highest annual quantity of waste managed from historical records representing the most recent 5 years of operation or, if the facility has been in service for less than 5 years but at least 1 year, from historical records representing the total operating life of the facility;
ii. use the maximum design capacity of the waste management unit; or
iii. use measurements that are representative of maximum waste generation rates.

d. [40 CFR 61.355(c)]
For the purposes of the calculation required by 40 CFR 61.355(a), the permittee shall determine the flow-weighted annual average benzene concentration in a manner that meets the requirements given in 40 CFR 61.355(c)(1) and A.4.d.i using either of the methods given in 40 CFR 61.355(c)(2), (c)(3), A.4.d.ii and A.4.d.iii.
i. [40 CFR 61.355(c)(1)]
The determination of flow-weighted annual average benzene concentration shall meet all of the following criteria:
(1) The determination shall be made at the point of waste generation except for the specific cases given in 40 CFR 61.355(c)(1)(i)(A) through (D).
(2) Volatilization of the benzene by exposure to air shall not be used in the determination to reduce the benzene concentration.
(3) Mixing or diluting the waste stream with other wastes or other materials shall not be used in the determination-to reduce the benzene concentration.
(4) The determination shall be made prior to any treatment of the waste that removes benzene, except as specified in 40 CFR 61.355(c)(1)(i)(A) through (D).
(5) For wastes with multiple phases, the determination shall provide the weighted-average benzene concentration based on the benzene concentration in each phase of the waste and the relative proportion of the phases.

ii. [40 CFR 61.355(c)(2)]
Knowledge of the waste. The permittee shall provide sufficient information to document the flow-weighted annual average benzene concentration of each waste stream. Examples of information that could constitute knowledge include material balances, records of chemicals purchases, or previous test results provided the results are still relevant to the current waste stream conditions. If test data are used, then the permittee shall provide documentation describing the testing protocol and the means by which sampling variability and analytical variability were accounted for in the determination of the flow-weighted annual average benzene concentration for the waste stream. When the permittee and the Administrator do not agree on determinations of the flow-weighted annual average benzene concentration based on knowledge of the waste, the procedures under 40 CFR 61.355(c)(3) and A.6.d.iii shall be used to resolve the disagreement.

iii. [40 CFR 61.355(c)(3)]
Measurements of the benzene concentration in the waste stream in accordance with the following procedures:

(1) Collect a minimum of three representative samples from each waste stream. Where feasible, samples shall be taken from an enclosed pipe prior to the waste being exposed to the atmosphere.
(2) For waste in enclosed pipes, the following procedures shall be used:
(a) Samples shall be collected prior to the waste being exposed to the atmosphere in order to minimize the loss of benzene prior to sampling.
(b) A static mixer shall be installed in the process line or in a by-pass line unless the permittee demonstrates that installation of a static mixer in the line is not necessary to accurately determine the benzene concentration of the waste stream.
(c) The sampling tap shall be located within two pipe diameters of the static mixer outlet.
(d) Prior to the initiation of sampling, sample lines and cooling coil shall be purged with at least four volumes of waste.
(e) After purging, the sample flow shall be directed to a sample container and the tip of the sampling tube shall be kept below the surface of the waste during sampling to minimize contact with the atmosphere.
(f) Samples shall be collected at a flow rate such that the cooling coil is able to maintain a waste temperature less than 10 °C.
(g) After filling, the sample container shall be capped immediately (within 5 seconds) to leave a minimum headspace in the container.
(h) The sample containers shall immediately be cooled and maintained at a temperature below 10 °C for transfer to the laboratory.
(3) When sampling from an enclosed pipe is not feasible, a minimum of three representative samples shall be collected in a manner to minimize exposure of the sample to the atmosphere and loss of benzene prior to sampling.
(4) Each waste sample shall be analyzed using one of the following test methods for determining the benzene concentration in a waste stream:
(a) Method 8020, Aromatic Volatile Organics, in ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846;
(b) Method 8021, Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic

Conductivity Detectors in Series in ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846;

(c) Method 8240, Gas Chromatography/Mass Spectrometry for Volatile Organics in ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846;

(d) Method 8260, Gas Chromatography/Mass Spectrometry for Volatile Organics: Capillary Column Technique in ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846;

(e) Method 602, Purgeable Aromatics, as described in 40 CFR Part 136, Appendix A, Test Procedures for Analysis of Organic Pollutants, for wastewaters for which this is an approved EPA methods; or

(f) Method 624, Purgeables, as described in 40 CFR Part 136, Appendix A, Test Procedures for Analysis of Organic Pollutants, for wastewaters for which this is an approved EPA method.

(5) The flow-weighted annual average benzene concentration shall be calculated by averaging the results of the sample analyses using the equation in 40 CFR 61.355(c)(3)(v):
Where:
C=Flow-weighted annual average benzene concentration for waste stream, ppmw.
Qt=Total annual waste quantity for waste stream, kg/yr.
n=Number of waste samples (at least 3).
Qi=Annual waste quantity for waste stream represented by Ci, kg/yr.
Ci=Measured concentration of benzene in waste sample i, ppmw.

e. [40 CFR 61.356(a)]
The permittee shall comply with the record keeping requirements of 40 CFR 61.356, A.4.e, and A.4.f. Each record shall be maintained in a readily accessible location at the facility site for a period not less than two years from the date the information is recorded unless otherwise specified.

f. [40 CFR 61.356(b)]
The permittee shall maintain records that identify each waste stream at the facility subject to 40 CFR Part 61, Subpart FF, and indicate whether or not the waste stream is controlled for benzene emissions in accordance with 40 CFR Part 61, Subpart FF. In addition the permittee shall maintain the following records:

i. [40 CFR 61.356(b)(1)]
For each waste stream not controlled for benzene emissions in accordance with 40 CFR Part 61, Subpart FF, the records shall include all test results, measurements, calculations, and other documentation used to determine the following information for the waste stream: waste stream identification, water content, whether or not the waste stream is a process wastewater stream, annual waste quantity, range of benzene concentrations, annual average flow-weighted benzene concentration, and annual benzene quantity.

ii. [40 CFR 61.356(b)(2)]
For each waste stream exempt from 40 CFR 61.342(c)(1) in accordance with 40 CFR 61.342(c)(3), the records shall include:

(1) all measurements, calculations, and other documentation used to determine that the continuous flow of process wastewater is less than 0.02 liters per minute or

the annual waste quantity of process wastewater is less than 10 Mg/yr in accordance with 40 CFR 61.342(c)(3)(i), or

(2) all measurements, calculations, and other documentation used to determine that the sum of the total annual benzene quantity in all exempt waste streams does not exceed 2.0 Mg/yr in accordance with 40 CFR 61.342(c)(3)(ii).

g. If the total annual benzene quantity from facility waste is less than 1 Mg/yr, then the permittee shall submit to the Administrator, with a copy to the Portsmouth local air agency, a report that updates the information listed in 40 CFR 61.357(a)(1) through (a)(3) whenever there is a change in the process generating the waste stream that could cause the total annual benzene quantity from facility waste to increase to 1 Mg/yr or more.

V. Risk Management Plan

40 CFR Part 68 is an applicable requirement for this facility. The permittee shall submit a Risk Management Plan pursuant to 40 CFR Part 68, to the appropriate designated agency and comply with all appropriate subparts no later than June 20, 1999.

VI. MACT Hammer Requirements

1. The permittee may be subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Hazardous Waste Combustion, 40 CFR Part 63, Subpart EEE. U.S. EPA failed to promulgate this standard by May 15, 2002, the Maximum Achievable Control Technology (MACT) hammer date. In accordance with 40 CFR Part 63, Subpart B (40 CFR Parts 63.50 through 63.56), the permittee shall submit an application to revise the permit to include equivalent emission limitations as a result of a case-by-case MACT determination. The application shall be submitted in two parts. The deadline to submit the Part I application, as specified in 40 CFR Part 63.53, was May 15, 2002.

If the final NESHAP standard is not promulgated by the deadline specified by U.S. EPA, the permittee shall submit the Part II application as specified in 40 CFR Part 63.53. The Part II application shall be submitted within 60 days after the deadline to promulgate the respective standard or by May 15, 2003, whichever is later. It must contain the following information, unless otherwise specified by future U.S. EPA regulations:

a. for a new affected source, the anticipated date of startup of operation;

b. the hazardous air pollutants (HAPs)emitted by each affected source in the relevant source category and an estimated total uncontrolled and controlled emission rate for HAPs from the affected source;

c. any existing federal, State, or local limitations or requirements applicable to the affected source;

d. for each affected emission point or group of affected emission points, an identification of control technology in place;

e. information relevant to establishing the MACT floor (or MACT emission limitation), and, at the option of the permittee, a recommended MACT floor; and

f. any other information reasonably needed by the permitting authority including, at the discretion of the permitting authority, information required pursuant to Subpart A of 40 CFR Part 63.

2. The Part II application for a MACT determination may, but is not required to, contain the following information:

a. recommended emission limitations for the affected source and support information. (the permittee may recommend a specific design, equipment, work practice, or operational standard, or combination thereof, as an emission limitation);

b. a description of the control technologies that would be applied to meet the emission limitation, including technical information on the design, operation, size, estimated control efficiency and any other information deemed appropriate by the permitting authority, and identification of the affected sources to which the control technologies must be applied; and

c. relevant parameters to be monitored and frequency of monitoring to demonstrate continuous compliance with the MACT emission limitation over the applicable reporting period.

3. If the NESHAP is promulgated before the Part II application is due for the relevant souce category, the permittee may be subject to the rule as an existing major source with a compliance date as specified in the NESHAP. If subject, the permittee shall submit the following notifications:

a. Unless otherwise specified in the relevant Subpart, within 120 days after promulgation of a 40 CFR Part 63 Subpart to which the source is subject, the permittee shall submit an Initial Notification Report that contains the following information, in accordance with 40 CFR Part 63.9(b)(2):

i. the name and mailing address of the permittee;

ii. the physical location of the source if it is different from the mailing address;

iii. identification of the relevant MACT standard and the source's compliance date;

iv. a brief description of the nature, design, size, 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 the types of HAPs emitted; and

v. a statement confirming the facility is a major source for HAPs.

b. Unless otherwise specified in the relevant Subpart, within 60 days following completion of any required compliance demonstration activity specified in the relevant Subpart, the permittee shall submit a notification of compliance status that contains the following information:

i. the methods used to determine compliance;

ii. the results of any performance tests, visible emission observations, continuous monitoring systems performance evaluations, and/or other monitoring procedures or methods that were conducted;

iii. the methods that will be used for determining continuous compliance, including a description of monitoring and reporting requirements and test methods;

iv. the type and quantity of HAPs emitted by the source, reported in units and averaging times in accordance with the test methods specified in the relevant Subpart;

v. an analysis demonstrating whether the affected source is a major source or an area source;

vi. a description of the air pollution control equipment or method for each emission point, including each control device or method for each HAP and the control efficiency (percent) for each control device or method; and

vii. a statement of whether or not the permittee has complied with the requirements of the relevant Subpart.

VII. Incorporation of 40 CFR Part 63, Subparts F, G, and H as Attachments to the Permit

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, Subparts F, G, and H in accordance with 40 CFR Part 63, Subparts F, G, and H (including the Table(s) and Appendix(ices) referenced in Subparts F, G, and H which are included in the text of Attachments 1, 2, and 3 hereto, and are hereby incorporated into this permit as if fully written.

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

VIII. Incorporation of 40 CFR Part 63, Subpart DDDDD as an Attachment to the Permit

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 Part 63, Subpart DDDDD (including the Table(s) and Appendix(ices) referenced in Subpart DDDDD which are included in the text of Attachment 4 hereto, and are hereby incorporated into this permit as if fully written.

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

IX. The following insignificant emissions units are located at this facility:

B011 - oil & gas process heater (301-BR);
G001 - gasoline storage & refueling (D-165) (PTI 07-185);
J001 - east barge loading (PTI 07-00451);
J002 - CHP loading racks (PTI 07-150);
J003 - west barge loading ;
J005 - Aniline/DPA railcar loading rack ;
J007 - Aniline/DPA truck loading rack ;
P005 - CHP refining plant(PTI 07-150);
P010 - BPA wastewater treatment plant (PTI 07-264);
P011 - Phenol salt recovery system (PTI 07-332);
T010 - Phenol solutions storage tank (D-119)(PTI 07-264);
T027 - Acetone storage tank (2103-FA);
T028 - Acetone storage tank (2103-FB);
T035 - AMS storage tank (2107-FA)(PTI 07-00451);
T041 - hydrochloric acid storage tank (TK-2002) (PTI 07-015);
T049 - AMS storage tank (2107-F) (PTI 07-00451);
T050 - refined DPA storage tank (F-96)(PTI 07-387);
T053 - CHP storage tank (2106-F) (PTI 07-150);
T054 - CHP storage tank (2106-FA) (PTI 07-150);
T058 - phenol solution storage tank (D-120) (PTI 07-185) ;
T060 - scrubbing liquid storage (508-F) (PTI 07-232);
T061 - methanol storage tank (D-156) (PTI 07-281, 07-264); and
T062 - BPA storm water surge tank (D-133) (PTI 07-232).

Each insignificant emissions unit at this facility must comply with all applicable State and federal regulations, and 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 of the applicable requirements contained in the federally-approved versions of OAC Chapters 3745-17, 3745-18, and/or 3745-21.

B. State Only Enforceable Section

1. The following insignificant emissions units located at this facility are exempt from permit requirements because they are not subject to any applicable requirement (as defined in OAC rule 3745-77-01(H)) or because they meet the "de minimis" criteria established in OAC rule 3745-15-05:

T009 - oxidate wastewater storage tank (D-118);
T031 - riverwater storage tank (T-701);
T032 - riverwater storage tank (T-702);
Z001 - Safety Kleen Unit 1180 - BPA;
Z002 - Carpenter Shop - BPA;
Z003 - Carpenter Shop - Aniline;
Z004 - Diesel Fire Water Pump - General Plant;
Z005 - Diesel Fire Water Pump - General Plant;
Z006 - Safety Kleen - 1180 unit - Aniline;
Z007 - Safety Kleen - 60 unit - Aniline;
Z008 - Safety Kleen - 60 unit - Aniline;
Z009 - Safety Kleen - 180 unit - Phenol;
Z010 - Safety Kleen - 230 unit - Phenol;
Z011 - Portable gas-fired welder - Phenol;
Z012 - Portable gas-fired welder - Phenol;
Z013 - Small gas generator - Phenol;
Z014 - Carpenter Shop - Phenol;
Z015 - ICD Laboratory Equipment;
Z016 - Emergency Generator - Phenol;
Z017 - Emergency Generator - BPA;
Z018 - Emergency Generator - Aniline;
Z019 - (2009-F);
Z020 - (2214-F);
Z021 - corrosion inhibitor tank (2213-F);
Z022 - corrosion inhibitor tank (2212-F);
Z023 - deposit inhibitor tank (2211-F);
Z024 - general maintenance painting;
Z025 - gas-fired generator - general plant;
Z026 - gas-fired pump - general plant;
Z027 - gas-fired pump - general plant;
Z028 - gas-fired power washer - general plant; and
Z029 - Plant roadways and parking areas.

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2001-UA (B004)

Activity Description: Natural Gas,Oil or By-product Fuel Fired Boiler

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
192 mmBtu per hour boiler (2001-UA) fired with: light hydrocarbon by-product fuel; heavy hydrocarbon by-product fuel; natural gas; #2 fuel oil; and/or #6 fuel oil	OAC rule 3745-31-05(A)(3) (PTI 07-00240)	Volatile organic compound emissions shall not exceed 1.0 pound per hour and 4.2 tons per year. The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A), 3745-17-10(B)(1), 3745-17-10(C)(1), and 3745-18-79(B)(2).
	OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.
	OAC rule 3745-17-10(C)(1)	Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with

	natural gas and/or #2 fuel oil. This limit was calculated from curve P-1 of Figure I. See section A.I.2.a below.
OAC rule 3745-18-79(B)(2)	Sulfur dioxide emissions shall not exceed 0.6 pound per mmBtu of actual heat input.

2. Additional Terms and Conditions

2.a In accordance with OAC rule 3745-17-10(B), this particulate emission limitation is based on the combined total heat input for boilers 2001-UA, 2001-UB, 2001-UC, and 2001-UE (emissions units B004, B005, B006, and B010) which are physically or operationally united. The heat input for boiler 2001-UD (emissions unit B009) is not included in the combined total heat input per OAC rule 3745-17-10(B)(1) since this boiler fires only gaseous fuels and/or #2 fuel oil.

2.b The heavy hydrocarbon and light hydrocarbon by-product fuels are hazardous waste; therefore, boiler 2001-UA (emissions unit B004) is subject to the requirements of 40 CFR Part 266.

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall collect and analyze samples of the light hydrocarbon waste fuels burned in boiler 2001-UA (emissions unit B004) on at least a monthly basis. Each light hydrocarbon waste fuel batch is defined by the results of the most recent sample. No light hydrocarbon waste fuel will be burned between the time the sample is taken and the time the sample results are received.

The permittee shall collect and analyze samples of the heavy hydrocarbon waste fuels burned in boiler 2001-UA (emissions unit B004) for each batch collected in the heavy hydrocarbon waste fuel storage tanks. Each heavy hydrocarbon waste fuel batch is defined by the results of its batch sample. A new heavy hydrocarbon waste fuel batch will not be burned until the time the sample results of that batch are received.

Each sample shall be analyzed in accordance with the procedures specified in the following test methods:

a. ASTM D2382 to determine heating value (Btu/lb);
b. ASTM D482 to determine ash content (weight %); and
c. ASTM D129 to determine sulfur content (weight %).

Alternative test methods may be used with prior approval from the Ohio EPA.
The permittee may use fuel analysis reports from the supplier to determine the heating value, ash content, and sulfur content of natural gas, #2 fuel oil, and #6 fuel oil.

Each natural gas fuel batch is defined by the most recent analysis received from the supplier. These analyses must be obtained at least every quarter. Each #2 fuel oil batch and #6 fuel oil batch is defined by the analysis for the most recent shipment of oil received.

2. Within 45 days of the end of each month, the permittee shall maintain at least monthly records of the following for each fuel batch-firing scenario burned in boiler 2001-UA (emissions unit B004):

   a. the quantity of each fuel burned (pounds of hydrocarbon fuels, standard cubic feet of natural gas, pounds of fuel oil);
   b. the heat content of each fuel (Btu per pound, Btu per standard cubic feet, Btu per pound);
   c. the ash content of each fuel (weight %);
   d. the sulfur content of each fuel (weight % or gr/100 dscf);
   e. the start time and date of each fuel batch firing scenario; and
   f. the end time and date of each fuel batch firing scenario.

   A fuel batch-firing scenario is defined as a combination of fuels burned with specific characteristics determined by the sampling results of Section A.III.1 above. Therefore, a new fuel batch-firing scenario will begin when a new fuel batch analysis is received, as defined in Section A.III.1, and/or when there is a change in the fuel or combination of fuels burned in boiler 2001-UA (emissions unit B004).

3. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of particulate emissions per MMBtu for each fuel batch-firing scenario.

   The calculation shall be performed as described below.

   a. Calculate the particulate emission contribution from each fuel burned, in pounds of particulate per fuel batch-firing scenario.
   b. Calculate the total amount of particulate emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
   c. Calculate the heat input for each fuel burned, in MMBtu per fuel batch-firing scenario.
   d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
   e. Calculate the average emissions, in pounds of particulate per MMBtu per fuel batch-firing scenario of the combined fuels.

4. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of sulfur dioxide emissions per MMBtu for each fuel batch-firing scenario.

   The calculation shall be performed as described below.

a. Calculate the sulfur dioxide emission contribution from each fuel burned, in pounds of sulfur dioxide per fuel batch-firing scenario.
b. Calculate the total amount of sulfur dioxide emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
c. Calculate the heat input for each fuel burned, in MMBtu per fuel batch-firing scenario.
d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
e. Calculate the average emissions, in pounds of sulfur dioxide per MMBtu per fuel batch-firing scenario of the combined fuels.

5. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-240, issued on 12/4/91 and modified on 08/28/01: A.III.1 through A.III.4. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average sulfur dioxide emission rate exceeded 0.6 pound per mmBtu, and the actual sulfur dioxide emission rate for each such period.

2. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average particulate emission rate exceeded 0.020 pound per mmBtu when burning natural gas and/or #2 fuel oil or 0.11 pound per mmBtu when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil, and the actual particulate emission rate for each such period.

3. The deviation reports shall be submitted in accordance with the requirements specified in Part 1 - General Term and Condition A.1.c of this permit.

4. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.IV.1 through A.IV.3. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

Emissions Unit: 2001-UA (B004)

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.0 pound per hour.

Applicable Compliance Method:

Compliance with the hourly emissions limit shall be demonstrated by multiplying the VOC emission factor for the worst case fuel times the maximum quantity of fuel fired per hour. Natural gas was determined to be the worst case fuel. The emission factor for each fuel is listed below:

i. 5.5 pounds of VOC per million standard cubic feet of natural gas burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.4, Table 1.4-2, dated July, 1998)
ii. 0.20 pound of VOC per thousand gallons of #2 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
iii. 0.28 pound of VOC per thousand gallons of #6 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
iv. 0.0000284 pound of VOC per pound of light hydrocarbon fuel burned, a #2 fuel oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
v. 0.0000355 pound of VOC per pounds of heavy hydrocarbon fuel burned, a #6 oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

1.b Emission Limitation:

Volatile organic compound emissions shall not exceed 4.2 tons per year.

Applicable Compliance Method:

The ton per year emission limitation was developed by multiplying the pound per hour limit by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Therefore, provided compliance is shown with the hourly emission limit, compliance will also be shown with the annual limitation.

1.c Emission Limitation:

Visible particulate emissions from the Boiler 2001-UA stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.d Emission Limitation:

Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.

Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.e Emission Limitation:

Sulfur dioxide emissions shall not exceed 0.6 pound per mmBtu of actual heat input.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 6 and the procedures and methods required in OAC rule 3745-18-04(E)(1).

2. The permittee shall conduct, or have conducted, emission testing for any one of the identical boilers 2001-UA, 2001-UB, or 2001-UC (emissions units B004, B005, or B006) in accordance with the following requirements:

   a. The emission testing shall be conducted within 24 months prior to permit expiration.

   b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates and sulfur dioxide.

   c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): for particulates, Methods 1 through 5 of 40 CFR Part 60, Appendix A and for sulfur dioxide, Method 6 or 6e of 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   d. 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 Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2001-UA (B004)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2001-UB (B005)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2001-UB (B005)

Activity Description: Natural Gas,Oil or By-product Fuel Fired Boiler

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
197 mmBtu per hour boiler (2001-UB) fired with: light hydrocarbon by-product fuel; heavy hydrocarbon by-product fuel; natural gas; #2 fuel oil; and/or #6 fuel oil	OAC rule 3745-31-05(A)(3) (PTI 07-00240)	Volatile organic compound emissions shall not exceed 1.0 pound per hour and 4.2 tons per year. The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A), 3745-17-10(B)(1), 3745-17-10(C)(1), and 3745-18-79(B)(2).
	OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.
	OAC rule 3745-17-10(C)(1)	Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-

	product fuel in combination with natural gas and/or #2 fuel oil. This limit was calculated from curve P-1 of Figure I. See section A.I.2.a below.
OAC rule 3745-18-79(B)(2)	Sulfur dioxide emissions shall not exceed 0.6 pound per mmBtu of actual heat input.

2. Additional Terms and Conditions

2.a In accordance with OAC rule 3745-17-10(B), this particulate emission limitation is based on the combined total heat input for boilers 2001-UA, 2001-UB, 2001-UC, and 2001-UE (emissions units B004, B005, B006, and B010) which are physically or operationally united. The heat input for boiler 2001-UD (emissions unit B009) is not included in the combined total heat input per OAC rule 3745-17-10(B)(1) since this boiler fires only gaseous fuels and/or #2 fuel oil.

2.b The heavy hydrocarbon and light hydrocarbon by-product fuels are hazardous waste; therefore, boiler 2001-UB (emissions unit B005) is subject to the requirements of 40 CFR Part 266.

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall collect and analyze samples of the light hydrocarbon waste fuels burned in boiler 2001-UB (emissions unit B005) on at least a monthly basis. Each light hydrocarbon waste fuel batch is defined by the results of the most recent sample. No light hydrocarbon waste fuel will be burned between the time the sample is taken and the time the sample results are received.

The permittee shall collect and analyze samples of the heavy hydrocarbon waste fuels burned in boiler 2001-UB (emissions unit B005) for each batch collected in the heavy hydrocarbon waste fuel storage tanks. Each heavy hydrocarbon waste fuel batch is defined by the results of its batch sample. A new heavy hydrocarbon waste fuel batch will not be burned until the time the sample results of that batch are received.

Each sample shall be analyzed in accordance with the procedures specified in the following test methods:

a. ASTM D2382 to determine heating value (Btu/lb);
b. ASTM D482 to determine ash content (weight %); and
c. ASTM D129 to determine sulfur content (weight %).

Alternative test methods may be used with prior approval from the Ohio EPA.
The permittee may use fuel analysis reports from the supplier to determine the heating value, ash content, and sulfur content of natural gas, #2 fuel oil, and #6 fuel oil.

Each natural gas fuel batch is defined by the most recent analysis received from the supplier. These analyses must be obtained at least every quarter. Each #2 fuel oil batch and #6 fuel oil batch is defined by the analysis for the most recent shipment of oil received.

2. Within 45 days of the end of each month, the permittee shall maintain at least monthly records of the following for each fuel batch-firing scenario burned in boiler 2001-UB (emissions unit B005):

   a. the quantity of each fuel burned (pounds of hydrocarbon fuels, standard cubic feet of natural gas, pounds of fuel oil);
   b. the heat content of each fuel (Btu per pound, Btu per standard cubic feet, Btu per pound);
   c. the ash content of each fuel (weight %);
   d. the sulfur content of each fuel (weight % or gr/100 dscf);
   e. the start time and date of each fuel batch firing scenario; and
   f. the end time and date of each fuel batch firing scenario.

   A fuel batch-firing scenario is defined as a combination of fuels burned with specific characteristics determined by the sampling results of Section A.III.1 above. Therefore, a new fuel batch-firing scenario will begin when a new fuel batch analysis is received, as defined in Section A.III.1, and/or when there is a change in the fuel or combination of fuels burned in boiler 2001-UB (emissions unit B005).

3. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of particulate emissions per MMBtu for each fuel batch-firing scenario.

   The calculation shall be performed as described below.

   a. Calculate the particulate emission contribution from each fuel burned, in pounds of particulate per fuel batch-firing scenario.
   b. Calculate the total amount of particulate emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
   c. Calculate the heat input for each fuel burned, in MMBtu per fuel batch-firing scenario.
   d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
   e. Calculate the average emissions, in pounds of particulate per MMBtu per fuel batch-firing scenario of the combined fuels.

4. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of sulfur dioxide emissions per MMBtu for each fuel batch-firing scenario.

   The calculation shall be performed as described below.

a. Calculate the sulfur dioxide emission contribution from each fuel burned, in pounds of sulfur dioxide per fuel batch-firing scenario.
b. Calculate the total amount of sulfur dioxide emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
c. Calculate the heat input for each fuel burned, in MMBtu per fuel batch-firing scenario.
d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
e. Calculate the average emissions, in pounds of sulfur dioxide per MMBtu per fuel batch-firing scenario of the combined fuels, .

5. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-240, issued on 12/4/91 and modified on 08/28/01: A.III.1 through A.III.4. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average sulfur dioxide emission rate exceeded 0.6 pound per mmBtu, and the actual sulfur dioxide emission rate for each such period.

2. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average particulate emission rate exceeded 0.020 pound per mmBtu when burning natural gas and/or #2 fuel oil or 0.11 pound per mmBtu when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil, and the actual particulate emission rate for each such period.

3. The deviation reports shall be submitted in accordance with the requirements specified in Part 1 - General Term and Condition A.1.c of this permit.

4. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.IV.1 through A.IV.3. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

Emissions Unit: 2001-UB (B005)

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.0 pound per hour.

Applicable Compliance Method:

Compliance with the hourly emissions limit shall be demonstrated by multiplying the VOC emission factor for the worst case fuel times the maximum quantity of fuel fired per hour. Natural gas was determined to be the worst case fuel. The emission factor for each fuel is listed below:

i. 5.5 pounds of VOC per million standard cubic feet of natural gas burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.4, Table 1.4-2, dated July, 1998)
ii. 0.20 pound of VOC per thousand gallons of #2 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
iii. 0.28 pound of VOC per thousand gallons of #6 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
iv. 0.0000284 pound of VOC per pound of light hydrocarbon fuel burned, a #2 fuel oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
v. 0.0000355 pound of VOC per pounds of heavy hydrocarbon fuel burned, a #6 oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

1.b Emission Limitation:

Volatile organic compound emissions shall not exceed 4.2 tons per year.

Applicable Compliance Method:

The ton per year emission limitation was developed by multiplying the pound per hour limit by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Therefore, provided compliance is shown with the hourly emission limit, compliance will also be shown with the annual limitation.

1.c Emission Limitation:

Visible particulate emissions from the Boiler 2001-UB stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.d Emission Limitation:

Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.

Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6 fuel oil or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.e Emission Limitation:

Sulfur dioxide emissions shall not exceed 0.6 pound per mmBtu of actual heat input.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 6 and the procedures and methods required in OAC rule 3745-18-04(E)(1).

2. The permittee shall conduct, or have conducted, emission testing for any one of the identical boilers 2001-UA, 2001-UB, or 2001-UC (emissions units B004, B005, or B006) in accordance with the following requirements:

a. The emission testing shall be conducted within 24 months prior to permit expiration.

b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates and sulfur dioxide.

c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): for particulates, Methods 1 through 5 of 40 CFR Part 60, Appendix A and for sulfur dioxide, Method 6 or 6e of 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

d. 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 Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.V.1 and A.V.2 . The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2001-UB (B005)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2001-UC (B006)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2001-UC (B006)

Activity Description: Natural Gas,Oil or By-product Fuel Fired Boiler

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
191 mmBtu per hour boiler (2001-UC) fired with: light hydrocarbon by-product fuel; heavy hydrocarbon by-product fuel; natural gas; #2 fuel oil; and/or #6 fuel oil	OAC rule 3745-31-05(A)(3) (PTI 07-00240)	Volatile organic compound emissions shall not exceed 1.0 pound per hour and 4.2 tons per year. Sulfur dioxide emissions shall not exceed 1.6 pounds per mmBtu of actual heat input. The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A), 3745-17-10(B)(1), and 3745-17-10(C)(1).
	OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.
	OAC rule 3745-17-10(C)(1)	Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6

	fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil. This limit was calculated from curve P-1 of Figure I. See section A.I.2.a below.
OAC rule 3745-18-06	The emission limitation specified by this rule is less stringent than the emission limitation established by OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

2.a In accordance with OAC rule 3745-17-10(B), this particulate emission limitation is based on the combined total heat input for boilers 2001-UA, 2001-UB, 2001-UC, and 2001-UE (emissions units B004, B005, B006, and B010) which are physically or operationally united. The heat input for boiler 2001-UD (emissions unit B009) is not included in the combined total heat input per OAC rule 3745-17-10(B)(1) since this boiler fires only gaseous fuels and/or #2 fuel oil.

2.b The heavy hydrocarbon and light hydrocarbon by-product fuels are hazardous waste; therefore, boiler 2001-UC (emissions unit B006) is subject to the requirements of 40 CFR Part 266.

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall collect and analyze samples of the light hydrocarbon waste fuels burned in boiler 2001-UC (emissions unit B006) on at least a monthly basis. Each light hydrocarbon waste fuel batch is defined by the results of the most recent sample. No light hydrocarbon waste fuel will be burned between the time the sample is taken and the time the sample results are received.

The permittee shall collect and analyze samples of the heavy hydrocarbon waste fuels burned in boiler 2001-UC (emissions unit B006) for each batch collected in the heavy hydrocarbon waste fuel storage tanks. Each heavy hydrocarbon waste fuel batch is defined by the results of its batch sample. A new heavy hydrocarbon waste fuel batch will not be burned until the time the sample results of that batch are received.

Each sample shall be analyzed in accordance with the procedures specified in the following test methods:

a. ASTM D2382 to determine heating value (Btu/lb);
b. ASTM D482 to determine ash content (weight %); and
c. ASTM D129 to determine sulfur content (weight %).

Alternative test methods may be used with prior approval from the Ohio EPA.
The permittee may use fuel analysis reports from the supplier to determine the heating value, ash content, and sulfur content of natural gas, #2 fuel oil, and #6 fuel oil.

Each natural gas fuel batch is defined by the most recent analysis received from the supplier. These analyses must be obtained at least every quarter. Each #2 fuel oil batch and #6 fuel oil batch is defined by the analysis for the most recent shipment of oil received.

2. Within 45 days of the end of each month, the permittee shall maintain at least monthly records of the following for each fuel batch-firing scenario burned in boiler 2001-UC (emissions unit B006):

a. the quantity of each fuel burned (pounds of hydrocarbon fuels, standard cubic feet of natural gas, pounds of fuel oil);
b. the heat content of each fuel (Btu per pound, Btu per standard cubic feet, Btu per pound);

c. the ash content of each fuel (weight %);
d. the sulfur content of each fuel (weight % or gr/100 dscf);
e. the start time and date of each fuel batch firing scenario; and
f. the end time and date of each fuel batch firing scenario.

A fuel batch-firing scenario is defined as a combination of fuels burned with specific characteristics determined by the sampling results of Section A.III.1 above. Therefore, a new fuel batch-firing scenario will begin when a new fuel batch analysis is received, as defined in Section A.III.1, and/or when there is a change in the fuel or combination of fuels burned in boiler 2001-UC (emissions unit B006).

3. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of particulate emissions per MMBtu for each fuel batch-firing scenario.
The calculation shall be performed as described below.

a. Calculate the particulate emission contribution from each fuel burned, in pounds of particulate per fuel batch-firing scenario.
b. Calculate the total amount of particulate emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
c. Calculate the heat input for each fuel burned, in MMBtu per fuel batch-firing scenario.
d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
e. Calculate the average emissions, in pounds of particulate per MMBtu per fuel batch-firing scenario of the combined fuels.

4. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of sulfur dioxide emissions per MMBtu for each fuel batch-firing scenario.

   The calculation shall be performed as described below.

   a. Calculate the sulfur dioxide emission contribution from each fuel burned, in pounds of sulfur dioxide per fuel batch-firing scenario.
   b. Calculate the total amount of sulfur dioxide emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
   c. Calculate the heat input for each fuel burned, in MMBtu per fuel batch-firing scenario.
   d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
   e. Calculate the average emissions, in pounds of sulfur dioxide per MMBtu per fuel batch-firing scenario of the combined fuels, .

5. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-240, issued on 12/4/91 and modified on 08/28/01: A.III.1 through A.III.4. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average sulfur dioxide emission rate exceeded 1.6 pound per mmBtu, and the actual sulfur dioxide emission rate for each such period.

2. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average particulate emission rate exceeded 0.020 pound per mmBtu when burning natural gas and/or #2 fuel oil or 0.11 pound per mmBtu when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil, and the actual particulate emission rate for each such period.

3. The deviation reports shall be submitted in accordance with the requirements specified in Part 1 - General Term and Condition A.1.c of this permit.

4. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.IV.1 through A.IV.3. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.0 pound per hour.

Applicable Compliance Method:

Compliance with the hourly emissions limit shall be demonstrated by multiplying the VOC emission factor for the worst case fuel times the maximum quantity of fuel fired per hour. Natural gas was determined to be the worst case fuel. The emission factor for each fuel is listed below:

i. 5.5 pounds of VOC per million standard cubic feet of natural gas burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.4, Table 1.4-2, dated July, 1998)

ii. 0.20 pound of VOC per thousand gallons of #2 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)

iii. 0.28 pound of VOC per thousand gallons of #6 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)

iv. 0.0000284 pound of VOC per pound of light hydrocarbon fuel burned, a #2 fuel oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)

v. 0.0000355 pound of VOC per pounds of heavy hydrocarbon fuel burned, a #6 oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

1.b Emission Limitation:

Volatile organic compound emissions shall not exceed 4.2 tons per year.

Applicable Compliance Method:

The ton per year emission limitation was developed by multiplying the pound per hour limit by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Therefore, provided compliance is shown with the hourly emission limit, compliance will also be shown with the annual limitation.

1.c Emission Limitation:

Visible particulate emissions from the Boiler 2001-UC stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.d Emission Limitation:

Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.

Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6 fuel oil or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.e Emission Limitation:

Sulfur dioxide emissions shall not exceed 1.6 pounds per mmBtu of actual heat input.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 6 or 6e and the procedures and methods required in OAC rule 3745-18-04(E)(1).

2. The permittee shall conduct, or have conducted, emission testing for any one of the identical boilers 2001-UA, 2001-UB, or 2001-UC (emissions units B004, B005, or B006) in accordance with the following requirements:

   a. The emission testing shall be conducted within 24 months prior to permit expiration.

   b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates and sulfur dioxide.

   c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): for particulates, Methods 1 through 5 of 40 CFR Part

60, Appendix A and for sulfur dioxide, Method 6 or 6e of 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

d. 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 Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2001-UC (B006)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2001-UD (B009)

Activity Description: Natural Gas & Oil Fired Boiler

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
190 mmBtu per hour boiler (2001-UD) fired with: natural gas and/or #2 fuel oil	OAC rule 3745-31-05(A)(3) (PTI 07-00240)	Volatile organic compound emissions shall not exceed 1.0 pound per hour and 4.2 tons per year. Sulfur dioxide emissions shall not exceed 1.6 pounds per mmBtu of actual heat input. The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A) and 3745-17-10(B)(1).
	OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input.

OAC rule 3745-18-06	The emission limitation specified by this rule is equivalent to the emission limitation established by OAC rule 3745-31-05(A)(3).
40 CFR Part 63, Subpart DDDDD	See Part II, section A.VIII and Attachment 4.
40 CFR Part 63, Subpart A	See section A.I.2.a below.

2. Additional Terms and Conditions

   2.a Refer to Part II - Specific Facility Terms and Conditions of this permit, section A.III, 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 and/or #2 fuel oil in this boiler.

III. Monitoring and/or Record keeping

1. For each day during which the permittee burns a fuel other than natural gas and/or #2 fuel oil, the permittee shall maintain a record of the type and quantity of fuel burned in boiler 2001-UD (emissions unit B009).

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-240, issued on 12/4/91 and modified on 08/28/01: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas and/or #2 fuel oil was burned in boiler 2001-UD (emissions unit B009). Each report shall be submitted within 30 days after the deviation occurs.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install # 07-240, issued on 12/4/91 and modified on 08/28/01: A.IV.1 . The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements

of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements of the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.0 pound per hour.

Applicable Compliance Method:

Compliance with the hourly emissions limit shall be demonstrated by calculating the sum of the following:

i. Emissions from the combustion of natural gas: multiply the maximum boiler rating, in mmBtu per hour, times the VOC emission factor of 5.5 pounds per mmcf burned divided by the heat content of the fuel, in mmBtu per mmcf. The VOC emission factor was obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.4, Table 1.4-2, dated July, 1998.

ii. Emissions from the combustion of #2 distillate fuel oil: multiply the maximum boiler rating, in mmBtu per hour, times the VOC emission factor of 0.20 pound per 1,000 gallons burned divided by the heat content of the fuel, in mmBtu per 1,000 gallons. The VOC emission factor was obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998.

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

1.b Emission Limitation:

Volatile organic compound emissions shall not exceed 4.2 tons per year.

Applicable Compliance Method:

The ton per year emission limitation was developed by multiplying the pound per hour limit by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Therefore, provided compliance is shown with the hourly emission limit, compliance will also be shown with the annual limitation.

1.c Emission Limitation:

Sulfur dioxide emissions shall not exceed 1.6 pounds per mmBtu of actual heat input.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 6 or 6e and the procedures and methods required in OAC rule 3745-18-04(E)(1).

1.d Emission Limitation:

Visible particulate emissions from the Boiler 2001-UD stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.e Emission Limitation:

Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2001-UD (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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2001-UE (B010)

Activity Description: Natural Gas,Oil or By-product Fuel Fired Boiler

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
190 mmBtu per hour boiler (2001-UE) fired with: light hydrocarbon by-product fuel; heavy hydrocarbon by-product fuel; natural gas; #2 fuel oil; and/or #6 fuel oil	OAC rule 3745-31-05(A)(3) (PTI 07-00240)	Volatile organic compound emissions shall not exceed 1.0 pound per hour and 4.2 tons per year. Sulfur dioxide emissions shall not exceed 1.6 pounds per mmBtu of actual heat input. The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A), 3745-17-10(B)(1), 3745-17-10(C)(1) and 3745-18-06.
	OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.

OAC rule 3745-17-10(C)(1)	Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil. This limit was calculated from curve P-1 of Figure I. See section A.I.2.a below.
OAC rule 3745-18-06	The emission limitation specified by this rule is equivalent to the emission limitation established by OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

2.a In accordance with OAC rule 3745-17-10(B), this particulate emission limitation is based on the combined total heat input for boilers 2001-UA, 2001-UB, 2001-UC, and 2001-UE (emissions units B004, B005, B006, and B010) which are physically or operationally united. The heat input for boiler 2001-UD (emissions unit B009) is not included in the combined total heat input per OAC rule 3745-17-10(B)(1) since this boiler fires only gaseous fuels and/or #2 fuel oil.

2.b The heavy hydrocarbon and light hydrocarbon by-product fuels are hazardous waste; therefore, boiler 2001-UE (emissions unit B010) is subject to the requirements of 40 CFR Part 266.

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall collect and analyze samples of the light hydrocarbon waste fuels burned in boiler 2001-UE (emissions unit B010) on at least a monthly basis. Each light hydrocarbon waste fuel batch is defined by the results of the most recent sample. No light hydrocarbon waste fuel will be burned between the time the sample is taken and the time the sample results are received.

The permittee shall collect and analyze samples of the heavy hydrocarbon waste fuels burned in boiler 2001-UE (emissions unit B010) for each batch collected in the heavy hydrocarbon waste fuel storage tanks. Each heavy hydrocarbon waste fuel batch is defined by the results of its batch

sample. A new heavy hydrocarbon waste fuel batch will not be burned until the time the sample results of that batch are received.

Each sample shall be analyzed in accordance with the procedures specified in the following test methods:

a. ASTM D2382 to determine heating value (Btu/lb);
b. ASTM D482 to determine ash content (weight %); and
c. ASTM D129 to determine sulfur content (weight %).

Alternative test methods may be used with prior approval from the Ohio EPA.

The permittee may use fuel analysis reports from the supplier to determine the heating value, ash content, and sulfur content of natural gas, #2 fuel oil, and #6 fuel oil.

Each natural gas fuel batch is defined by the most recent analysis received from the supplier. These analyses must be obtained at least every quarter. Each #2 fuel oil batch and #6 fuel oil batch is defined by the analysis for the most recent shipment of oil received.

2. Within 45 days of the end of each month, the permittee shall maintain at least monthly records of the following for each fuel batch-firing scenario burned in boiler 2001-UE (emissions unit B010):

a. the quantity of each fuel burned (pounds of hydrocarbon fuels, standard cubic feet of natural gas, pounds of fuel oil);
b. the heat content of each fuel (Btu per pound, Btu per standard cubic feet, Btu per pound);
c. the ash content of each fuel (weight %);
d. the sulfur content of each fuel (weight % or gr/100 dscf);
e. the start time and date of each fuel batch firing scenario; and
f. the end time and date of each fuel batch firing scenario.

A fuel batch-firing scenario is defined as a combination of fuels burned with specific characteristics determined by the sampling results of section A.III.1 above. Therefore, a new fuel batch-firing scenario will begin when a new fuel batch analysis is received, as defined in section A.III.1, and/or when there is a change in the fuel or combination of fuels burned in boiler 2001-UE (emissions unit B010).

3. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of particulate emissions per mmBtu for each fuel batch-firing scenario.

The calculation shall be performed as described below.

a. Calculate the particulate emission contribution from each fuel burned, in pounds of particulate per fuel batch-firing scenario.

b. Calculate the total amount of particulate emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
c. Calculate the heat input for each fuel burned, in mmBtu per fuel batch-firing scenario.
d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
e. Calculate the average emissions, in pounds of particulate per mmBtu per fuel batch-firing scenario of the combined fuels.

4. Within 45 days of the end of each month, the permittee shall calculate and maintain monthly records of the average pounds of sulfur dioxide emissions per mmBtu for each fuel batch-firing scenario.

   The calculation shall be performed as described below.

   a. Calculate the sulfur dioxide emission contribution from each fuel burned, in pounds of sulfur dioxide per fuel batch-firing scenario.
   b. Calculate the total amount of sulfur dioxide emitted per fuel batch-firing scenario by summing the contribution of each fuel burned.
   c. Calculate the heat input for each fuel burned, in mmBtu per fuel batch-firing scenario.
   d. Calculate the total heat input per fuel batch-firing scenario that was provided by the combined fuels by summing the contribution for each fuel burned.
   e. Calculate the average emissions, in pounds of sulfur dioxide per mmBtu per fuel batch-firing scenario of the combined fuels, .

5. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-240, issued on 12/4/91 and modified on 08/28/01: A.III.1 through A.III.4. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average sulfur dioxide emission rate exceeded 1.6 pounds per mmBtu, and the actual sulfur dioxide emission rate for each such period.

2. The permittee shall submit quarterly deviation (excursion) reports that include an identification of each fuel batch scenario during which the average particulate emission rate exceeded 0.020 pound per mmBtu when burning natural gas and/or #2 fuel oil or 0.11 pound per mmBtu when burning #6 fuel oil and/or by-product fuel or when burning #6 fuel oil and/or by-product fuel in

combination with natural gas and/or #2 fuel oil, and the actual particulate emission rate for each such period.

3. The deviation reports shall be submitted in accordance with the requirements specified in Part 1 - General Term and Condition A.1.c of this permit.

4. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.IV.1 through A.IV.3. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.0 pound per hour.

Applicable Compliance Method:

Compliance with the hourly emissions limit shall be demonstrated by multiplying the VOC emission factor for the worst case fuel times the maximum quantity of fuel fired per hour. Natural gas was determined to be the worst case fuel. The emission factor for each fuel is listed below:

i. 5.5 pounds of VOC per million standard cubic feet of natural gas burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.4, Table 1.4-2, dated July, 1998)
ii. 0.20 pound of VOC per thousand gallons of #2 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
iii. 0.28 pound of VOC per thousand gallons of #6 fuel oil burned (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
iv. 0.0000284 pound of VOC per pound of light hydrocarbon fuel burned, a #2 fuel oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)
v. 0.0000355 pound of VOC per pounds of heavy hydrocarbon fuel burned, a #6 oil equivalent fuel (obtained from AP-42, Volume I, 5th Edition, Chapter 1, Section 1.3, Table 1.3-3, dated September, 1998)

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

1.b Emission Limitation:

Volatile organic compound emissions shall not exceed 4.2 tons per year.

Applicable Compliance Method:

The ton per year emission limitation was developed by multiplying the pound per hour limit by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Therefore, provided compliance is shown with the hourly emission limit, compliance will also be shown with the annual limitation.

1.c Emission Limitation:

Visible particulate emissions from the Boiler 2001-UE stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.d Emission Limitation:

Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input when burning only natural gas and/or #2 fuel oil.

Particulate emissions shall not exceed 0.11 pound per mmBtu of actual heat input when burning #6 fuel oil or by-product fuel or when burning #6 fuel oil and/or by-product fuel in combination with natural gas and/or #2 fuel oil.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.e Emission Limitation:

Sulfur dioxide emissions shall not exceed 1.6 pounds per mmBtu of actual heat input.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 6 and the procedures and methods required in OAC rule 3745-18-04(E)(1).

2. The permittee shall conduct, or have conducted, emission testing for boiler 2001-UE (emissions unit B010) in accordance with the following requirements:

   a. The emission testing shall be conducted within 24 months prior to permit expiration.

   b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates and sulfur dioxide.

   c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): for particulates, Methods 1 through 5 of 40 CFR Part 60, Appendix A and for sulfur dioxide, Method 6 or 6e of 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   d. 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 Portsmouth local air agency.

   Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

   Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 08/28/01: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating

permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2001-UE (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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: **2001-UF (B014)**

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2001-UF (B014)

Activity Description: Natural Gas Fired Boiler with low NOx burner

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
281 mmBtu per hour natural gas fired boiler (2001-UF) with low NOx burners and flue gas recirculation	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Particulate emissions shall not exceed 67.68 pounds per day and 6.2 tons per year. Sulfur dioxide emissions shall not exceed 0.17 pound per hour and 0.74 ton per year. Carbon monoxide emissions shall not exceed 515.00 pounds per day and 94.0 tons per year. Nitrogen oxides emissions shall not exceed 539.52 pounds per day and 98.5 tons per year. Volatile organic compound emissions shall not exceed 5.98 tons per year. The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A), 3745-17-10(B)(1),

	40 CFR Part 52.21, and OAC rule 3745-31-11 through 3745-31-20.
40 CFR Part 52.21 OAC rule 3745-31-11 through 3745-31-20 (BACT Limit)	Nitrogen oxides emissions shall not exceed 0.08 pound per mmBtu as a rolling, 30-day average. Volatile organic compound emissions shall not exceed 33.6 pounds per day.
40 CFR Part 60, Subpart Db	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to 40 CFR 52.21 and OAC rule 3745-31-11 through 3745-31-20. See sections A.I.2.a and A.I.2.b.
OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input. See section A.VI below.
OAC chapter 3745-14	See Part II, section A.VIII and Attachment 4.
40 CFR Part 63, Subpart DDDDD	See section A.I.2.c below.
40 CFR Part 63, Subpart A	

2. Additional Terms and Conditions

2.a [40 CFR 60.44b(h)]
The nitrogen oxide standards under 40 CFR Part 60.44b shall apply at all times including periods of startup, shutdown, or malfunction.

2.b [40 CFR 60.44b(i)]
Compliance with the nitrogen oxides emission limitation established pursuant to 40 CFR Part 60, Subpart Db shall be determined on a rolling, 30-day average basis.

2.c Refer to Part II - Specific Facility Terms and Conditions of this permit, section A.III, 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 boiler 2001-UF (emissions unit B014).

III. Monitoring and/or Record keeping

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 boiler 2001-UF (emissions unit B014).

2. [40 CFR 60.48b(b) & (d)]
The permittee shall install, operate, and maintain equipment to continuously monitor and record nitrogen oxides emissions from boiler 2001-UF (emissions unit B014) in pounds per mmBtu. Such continuous monitoring and recording equipment shall comply with the requirements specified in 40 CFR Part 60.13.

[40 CFR 60.48b(c)]
The permittee shall operate the continuous emissions monitoring system (CEMS) and record data during all periods of operation except for continuous monitoring systems breakdowns and repairs. Data shall be recorded during calibration checks, zero adjustments, and span adjustments.

[40 CFR 60.48b(e)(2)]
The permittee shall operate the CEMS with a NOx span value of 500 ppm.

3. Each CEMS consists of all the equipment used to acquire data and includes the sample extraction and transport hardware, sample conditioning hardware, analyzers, and data recording/processing hardware and software.

4. The permittee shall maintain a certification letter from the Ohio EPA documenting that the NOx CEMS has been certified in accordance with the requirements of 40 CFR Part 60. The letter of certification shall be made available to the Director upon request.

5. [40 CFR 60.48b(f)]
When NOx emissions data are not obtained because of CEMS breakdowns, repairs, calibration checks, and zero and span adjustments, the permittee shall obtain emissions data by using standby monitoring systems, U. S. EPA Method 7 or 7a of 40 CFR Part 60, Appendix A, or other approved reference methods to provide data for a minimum of 75% of the operating hours in a day, in at least 22 out of 30 successive days of operation.

6. [40 CFR 60.49b(g)]
The permittee shall maintain records of the following data obtained by the NOx CEMS for each operating day:

a. calendar date;
b. emissions of nitrogen oxides in pounds per mmBtu actual heat input on an hourly average basis;
c. emissions of nitrogen oxides in pounds per mmBtu actual heat input on a rolling, 30-day average basis;
d. identification of all days where the rolling, 30-day average NOx emission rate exceeds the 0.08 pound per mmBtu emission limitation, the reason for the excess emissions and a description of the corrective actions taken;
e. identification of operating days for which sufficient NOx emissions data has not been obtained, the reason for not obtaining sufficient data, and a description of the corrective actions taken;
f. identification of all periods of time which emissions data has been excluded from the calculation of the average emission rate and the reason for excluding the data;
g. a record of the "F" factor used in the calculation of the rolling, 30-day average NOx emission rate and the method used to determine the "F" factor;
h. identification of the times when NOx concentration exceeded the span of the continuous monitoring system;
i. description of any modifications to the CEMS that could affect the ability of the continuous monitoring system to comply with Performance Specifications 2 or 3 of 40 CFR Part 60, Appendix B;
j. results of daily CEMS drift tests and quarterly accuracy assessments as required by Procedure 1 of 40 CFR Part 60, Appendix F; and
k. results of daily zero/span calibration checks and magnitude of manual calibration adjustments.

7. [40 CFR 60.49b(d)]
The permittee shall record and maintain records of the amounts of natural gas combusted during each day and calculate the annual capacity factor natural gas for the reporting period. The annual capacity factor is determined on a rolling, 12-month average basis with a new annual capacity factor calculated at the end of each calendar month.

8. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-00451, issued on 2/8/98 and modified on 7/27/04: A.III.1 through A.III.7. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

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 boiler 2001-UF (emissions unit B014). Each report shall be submitted within 30 days after the deviation occurs.

2. [40 CFR 60.49b(i)]
The permittee shall submit a quarterly report containing the information included in section A.III.6 above. The quarterly report shall be postmarked within 30 days of the end of the last calendar month of the quarter.

3. The quarterly report shall also document any continuous NOx CEMS downtime while boiler 2001-UF (emissions unit B014) was on line (date, time, duration and reason), along with any corrective action(s) taken. The permittee shall provide the boiler 2001-UF (emissions unit B014) operating time during the reporting period and the date, time, reason and corrective action(s) taken for each time period of boiler 2001-UF (emissions unit B014) and control equipment malfunctions. The total operating time of boiler 2001-UF (emissions unit B014) and the total operating time of the analyzer while boiler 2001-UF (emissions unit B014) was on line shall also be included in the quarterly report.

4. The deviation reports shall be submitted in accordance with the requirements specified in Part I - General Term and Condition A.1.c of this permit.

5. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-00451, issued on 2/8/98 and modified on 7/27/04: A.IV.1 through A.IV.4. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Particulate emissions shall not exceed 67.68 pounds per day.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon the procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 5.

1.b Emission Limitation:

Particulate emissions shall not exceed 6.2 tons per year.

Applicable Compliance Method:

Compliance with the ton per year emission limitation shall be demonstrated by multiplying the particulate emission factor of 1.928 pounds of filterable particulate per MMscf of natural gas fired, times the maximum quantity of natural gas fired per year, in MMscf, and then dividing by 2,000 pounds per ton. The particulate emission factor was calculated from the results of the August, 1999 stack test.

1.c Emission Limitation:

Sulfur dioxide emissions shall not exceed 0.17 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon the procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 6 or 6e.

1.d Emission Limitation:

Sulfur dioxide emissions shall not exceed 0.74 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.e Emission Limitation:

Carbon monoxide emissions shall not exceed 515.00 pounds per day.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon the procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 10.

1.f Emission Limitation:

Carbon monoxide emissions shall not exceed 94.0 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable daily limitation by 365 days per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the daily emission limitation is maintained.

1.g Emission Limitation:

Nitrogen oxides emissions shall not exceed 539.52 pounds per day.

Applicable Compliance Method:

The pound per day emission limitation was developed by multiplying the 0.08 pound per mmBtu limit by the maximum rating of the boiler, 281 mmBtu per hour, times 24 hours per day. Therefore, provided compliance is shown with the pound per mmBtu emissions limit, compliance will also be shown with the daily limitation.

If required, compliance shall also be demonstrated based upon the procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and Method 7 or 7E.

1.h Emission Limitation:

Nitrogen oxides emissions shall not exceed 98.5 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable daily limitation by 365 days per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the daily emission limitation is maintained.

1.i Emission Limitation:

Volatile organic compound emissions shall not exceed 33.6 pounds per day.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

1.j Emission Limitation:

Volatile organic compound emissions shall not exceed 5.98 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable daily limitation by 365 days per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the daily emission limitation is maintained.

1.k Emission Limitation:

Nitrogen oxides emissions shall not exceed 0.08 pound per mmBtu as a rolling, 30-day average.

Applicable Compliance Method:

Compliance with the nitrogen oxides pound per mmBtu emission limitation shall be determined on a continuous basis through the use of a rolling, 30-day average emission rate calculated from the hourly average data obtained by the continuous nitrogen oxides CEMS. A new rolling, 30-day average emission rate is calculated each steam generating unit operating day as the average of all of the hourly nitrogen oxides emission data for the preceding 30 steam generating unit operating days.

If required, compliance shall be demonstrated based upon the procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and Method 7 or 7E.

1.l Emission Limitation:

Visible particulate emissions from the 2001-UF Boiler stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.m Emission Limitation:

Particulate emissions shall not exceed 0.020 pound per mmBtu actual heat input.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 2/8/98 and modified on 7/27/04: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

1. Nitrogen Oxides (NOx) Budget Trading Program

OAC Chapter 3745-14

1.a Office of Regulatory Information System Facility Code - 880070

Emissions Unit: 2001-UF (B014)

1.b The following regulated non-electrical generating unit is subject to the applicable requirements specified in OAC Chapter 3745-14 and the annual NOx allowance allocations assigned to the facility: B014.

1.c Boiler 2001-UF (emissions unit B014) identified in section A.VI.1.b above is a NOx budget unit under OAC rule 3745-14-01(C)(1).
[OAC rule 3745-14-01(C)(1)(b)(iii)]

1.d The NOx authorized account representative has submitted a complete NOx budget permit application in accordance with the deadlines specified in paragraphs (B)(2) and (B)(3) of OAC rule 3745-14-03. The NOx authorized account representative shall also submit, in a timely manner, any supplemental information that the Director determines is necessary in order to review a NOx budget permit application and issue or deny a NOx budget permit.
[OAC rules 3745-14-01(E)(1)(a)(i), 3745-14-01(E)(1)(a)(ii), and 3745-14-03(B)(1)]

1.e Beginning May 31, 2004, the owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under paragraph (E) of OAC rule 3745-14-06, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with OAC rule 3745-14-08, plus any amount necessary to account for actual utilization under paragraph (C)(5) of OAC rule 3745-14-05 for the control period.
[OAC rules 3745-14-01(E)(3)(a) and 3745-14-01(E)(3)(c)]

1.f NOx allowances shall be held in, deducted from, or transferred among NOx allowance tracking system accounts in accordance with OAC rules 3745-14-05, 3745-14-06, 3745-14-07, and 3745-14-09.
[OAC rule 3745-14-01(E)(3)(d)]

1.g A NOx allowance shall not be deducted, in order to comply with the requirement under paragraph (E)(3)(a) of OAC rule 3745-14-01, for a control period in a year prior to the year for which the NOx allowance was allocated.
[OAC rule 3745-14-01(E)(3)(e)]

1.h Each ton of NOx emitted in excess of the NOx budget emission limitation, as defined in OAC rule 3745-14-01(B)(2)(yy), shall constitute a separate violation of OAC Chapter 3745-14, the Clean Air Act, and applicable Ohio law. The owners and operators of a NOx budget unit that has excess emissions in any control period shall surrender the NOx allowances required for deduction under paragraph (E)(4)(a) of OAC rule 3745-14-06 and pay any fine, penalty, or assessment or comply with any other remedy imposed under paragraph (E)(4)(c) of OAC rule 3745-14-06.
[OAC rules 3745-14-01(E)(3)(b), 3745-14-01(E)(4)(a) and 3745-14-01(E)(4)(b)]

1.i When recorded by the Administrator pursuant to OAC rules 3745-14-06 and 3745-14-07, every allocation, transfer, or deduction of a NOx allowance to or from a NOx budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NOx budget permit of the NOx budget unit by operation of law without any further review.

[OAC rule 3745-14-01(E)(3)(h)]

1.j Except as provided below, the Director shall revise the NOx budget permit, as necessary, in accordance with OAC rule 3745-77-08.

Each NOx budget permit is deemed to incorporate automatically the definitions of terms under paragraph (B) of OAC rule 3745-14-01 and, when recorded by the Administrator, in accordance with OAC rules 3745-14-06 and 3745-14-07, every allocation, transfer, or deduction of a NOx allowance to or from the compliance accounts of the NOx budget units covered by the permit or the overdraft account of the NOx budget source covered by the permit.
[OAC rules 3745-14-03(D)(2) and 3745-14-03(E)(1)]

1.k The owner or operator of a NOx budget unit shall comply with the prohibitions under OAC rule 3745-14-08(A)(5).
[OAC rule 3745-14-08(A)(5)]

1.l The owners and operators of the NOx budget unit shall keep on site at the source each of the following documents for a period of five years from the date the document is created: (This period may be extended for cause, at any time prior to the end of five years, in writing by the Director or Administrator.)

i. the account certificate of representation for the NOx authorized account representative for the NOx budget unit and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with paragraph (D) of OAC rule 3745-14-02, provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate or representation changing the NOx authorized account representative;

ii. all emission monitoring information, in accordance with OAC rule 3745-14-08;

iii. copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx budget trading program; and

iv. copies of all documents used to complete a NOx budget permit application and any other submission under the NOx budget trading program or to demonstrate compliance with the requirements of the NOx budget trading program.
[OAC rule 3745-14-01(E)(5)(a)(i) through (iv)]

1.m The permittee shall operate and maintain equipment to continuously monitor and record nitrogen oxides emissions from boiler 2001-UF (emissions unit B014) in units of the applicable standard(s). Such continuous monitoring and recording equipment shall comply with the requirements specified in 40 CFR Part 75.

Each continuous monitoring system consists of all the equipment used to acquire data and includes the sample extraction and transport hardware, sample conditioning hardware, analyzers, and data recording/processing hardware and software. This includes all systems required to

monitor the NOx emission rate, NOx concentration, heat input rate, and stack flow rate, in accordance with 40 CFR Parts 75.71 and 75.72.

The permittee shall comply with the initial and re-certification procedures of 40 CFR Part 75.

The permittee shall maintain on-site documentation from the USEPA or the Ohio EPA that the continuous nitrogen oxides monitoring system has been certified in accordance with 40 CFR Part 75. The letter of certification shall be made available to the Director upon request.

The permittee shall maintain records of the following data obtained by the continuous nitrogen oxides monitoring system: emissions of nitrogen oxides in lb/mmBtu actual heat input on an hourly average basis, emissions of nitrogen oxides in lbs/hr, results of daily zero/span calibration checks, and magnitude of manual calibration adjustments.

Whenever the monitoring system fails to meet the quality assurance or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.
[OAC rules 3745-14-01(E)(2)(a), 3745-14-01(E)(5)(a)(ii), 3745-14-08(A)(2)(a) through (A)(2)(d), 3745-14-08(B)(1), and 3745-14-08(C)(1)]

1.n The permittee shall comply with the monitoring plan requirements of 40 CFR Part 75.62, except that the monitoring plan shall only include all of the information required by Subpart H of 40 CFR Part 75.
[OAC rule 3745-14-08(E)(2)(b)]

1.o The NOx authorized account representative of the NOx budget unit shall submit the reports and compliance certifications required under the NOx budget trading program, including those under OAC rules 3745-14-04 and 3745-14-08, to the Director and Administrator.
[OAC rule 3745-14-01(E)(5)(b)]

1.p Each submission under the NOx budget trading program shall be submitted, signed, and certified by the NOx authorized account representative for each NOx budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOx authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
[OAC rules 3745-14-02(A)(5)]

1.q The NOx authorized account representative shall submit quarterly reports that include all of the data and information required in Subpart H of 40 CFR Part 75 for each NOx budget unit (or group

of units using a common stack). These quarterly reports shall be submitted within one month following the end of a calendar quarter covered by the report [by July 31 and October 31 for ozone season reporting in accordance with OAC rule 3745-14-08(E)(4)(b)(ii)] and shall be submitted in the manner specified in Subpart H of 40 CFR Part 75 and 40 CFR Part 75.64.
[OAC rules 3745-14-08(E)(4)(b) and 3745-14-08(E)(4)(c)(ii)]

1.r The NOx authorized account representative shall submit to the Administrator a compliance certification in support of each quarterly report based on a reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The compliance certification shall state that:

i. the monitoring data submitted were recorded in accordance with the applicable requirements of OAC rule 3745-14-08 and 40 CFR Part 75, including the quality assurance procedures and specifications; and

ii. for a unit with add-on NOx emission controls and for all hours where data are substituted in accordance with 40 CFR Part 75.34(a)(1), the add-on emission control were operating within the range of parameters listed in the quality assurance program under Appendix B of 40 CFR Part 75 and the substitute values do not systematically underestimate the NOx emissions.

[OAC rule 3745-14-08(E)(4)(d)(i) and (ii)]

1.s The NOx authorized account representative for a NOx budget unit shall submit written notice of monitoring system certification and re-certification test dates to the Director and the Administrator in accordance with 40 CFR Part 75.61. The NOx authorized account representative shall submit a certification application to the Administrator, U.S. EPA, Region V Office, and the Director within forty-five days after completing all initial or re-certification tests required under paragraph (B) of OAC rule 3745-14-08, including the information required under Subpart H of 40 CFR Part 75.
[OAC rules 3745-14-08(D) and 3745-14-08(E)(3)]

1.t For each control period in which one or more NOx budget units at a source are subject to the NOx budget emission limitation, the NOx authorized account representative of the source shall submit to the Director and the Administrator, by November 30 of that year, a compliance certification report for each source covering all such units.

The NOx authorized account representative shall include the following elements in the compliance certification report, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx budget emission limitation for the control period covered by the report:

i. identification of each NOx budget unit;
ii. at the NOx authorized account representative's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under paragraph (E) of OAC rule 3745-14-06 for the control period;
iii. at the NOx authorized account representative's option, for units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance

with OAC rule 3745-14-08, the percentage of allowances that is to be deducted from each unit's compliance account under paragraph (E)(5) of OAC rule 3745-14-06; and

iv. the compliance certification under paragraph (A)(3) of OAC rule 3745-14-04.
[OAC rules 3745-14-04(A)(1) and 3745-14-04(A)(2)]

1.u In the compliance certification report under Section A.1.t.iv above, the NOx authorized account representative shall certify, based upon reasonable inquiry of those persons with the primary responsibility for operating the source and the NOx budget units at the source in compliance with the NOx budget trading program, whether each NOx budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx budget trading program applicable to the unit, including all the following:

i. whether the unit was operated in compliance with the NOx budget emission limitation;

ii. whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with OAC rule 3745-14-08;

iii. whether all the NOx emissions from the unit, or group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with OAC rule 3745-14-08, and if conditional data were reported, the permittee shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report submissions have been made; and

iv. whether the facts that form the basis for certification under OAC rule 3745-14-08 of each monitor at the unit or group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under OAC rule 3745-14-08, if any, have changed.

If a change is required to be reported under Section A.1.u.iv above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor re-certification.
[OAC rule 3745-14-04(A)(3)]

1.v The NOx authorized account representative shall submit a complete NOx budget permit renewal application for the NOx budget source covering the NOx budget units at the source in accordance with paragraph (E) of OAC rule 3745-77-08.
[OAC rule 3745-14-03(B)(3)(a)]

1.w The emission measurements recorded and reported in accordance with OAC rule 3745-14-08 shall be used to determine compliance by the unit with the NOx budget emission limitation under paragraph (E)(3) of OAC rule 3745-14-01.
[OAC rule 3745-14-01(E)(2)(b)]

1.x The permittee shall develop and maintain a written quality assurance/quality control plan for each continuous NOx monitoring system designed to ensure continuous valid and representative

readings of NOx emissions in units of the applicable standard. The plan shall follow the requirements of 40 CFR Part 75, Appendix B. The quality assurance/quality control plan and a logbook dedicated to the continuous NOx monitoring system must be kept on-site and available for inspection during regular office hours.
[OAC rules 3745-14-08(A)(2)(c) and 3745-14-08(A)(2)(d)]

B. State 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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit ID: Polycarbonate and Epoxy Grade BPA Railcar Loading (F001)

Activity Description: Poly/Epoxy BPA Railcar Loading

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
polycarbonate grade bisphenol A railcar loading with baghouse (F-405) and epoxy grade bisphenol A railcar loading with baghouse (F-605)	OAC rule 3745-31-05(A)(3) (PTI 07-00264)	Particulate emissions from each baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases. Particulate emissions from the two baghouses, combined, shall not exceed 2.65 tons per year. Visible emissions from the baghouse outlet shall not exceed 10% opacity, as a 6-minute average.
	OAC rule 3745-17-07(A)	See section A.I.2.a below.
	OAC rule 3745-17-11(B)	See section A.I.2.a below.

2. Additional Terms and Conditions

2.a The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. **The permittee shall perform daily checks, when the Polycarbonate and Epoxy Grade BPA Railcar Loading (emissions unit F001) is in operation and when the weather conditions allow, for any visible particulate emissions from the baghouse outlet stacks serving the Polycarbonate and Epoxy Grade BPA Railcar Loading (emissions unit F001). The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:**

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

   If the daily checks show emissions that are representative of normal operation for 1 operating quarter, the required frequency of visible emission checks may be reduced to weekly (once every week, when the Polycarbonate and Epoxy Grade BPA Railcar Loading (emissions unit F001) is in operation). If a subsequent check by the permittee or an Ohio EPA inspector indicates emissions that are not representative of normal operation, the frequency of emission checks shall revert back to daily until such time as there is 1 operating quarter of normal visible emissions.

   The observance of visible emissions may or may not indicate a mass emission and/or visible emission violation. If required by the Portsmouth local air agency, compliance with the mass emission limitation and/or visible emission limitation shall be determined by performing mass emission tests and/or visible emission readings, using USEPA-approved methods and procedures.

2. **Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-264, issued on 3/18/92: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.**

IV. Reporting Requirements

1. **The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stacks serving the Polycarbonate and Epoxy Grade BPA Railcar Loading (emissions unit F001) and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the Director (the appropriate Ohio EPA District Office or local air agency) by January 31 and July 31 of each year and shall cover the previous 6-month period.**

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-264, issued on 3/18/92: A.IV.1. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Particulate emissions from each baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5.

1.b Emission Limitation:

Visible emissions from each baghouse outlet shall not exceed 10% opacity, as a 6-minute average.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9.

1.c Emission Limitation:

Particulate emissions from the two baghouses, combined, shall not exceed 2.65 tons per year.

Applicable Compliance Method:

The tons per year emission limitation was developed by multiplying the particulate emission rate, 0.030 grain per dscf, times the maximum airflow from both baghouses (1,070 cf/m for F-405 and 1,267 cf/m for F-605) times 60 minutes per hour divided by 7,000 grains per pound times the maximum potential operating schedule of 8,760 hours per year, and dividing by 2,000 pounds per ton. Therefore, provided compliance is shown with the 0.030 grain per dscf limitations, compliance will also be shown with the annual limitation.

2. The permittee shall conduct, or have conducted, emission testing for the F-405 and F-605 baghouses in accordance with the following requirements:

a. The emission testing shall be conducted within 12 months of permit expiration.

b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates.

c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): for particulates, 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.

d. 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 Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-264, issued on 3/18/92: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

Emissions Unit: **Polycarbonate and Epoxy Grade BPA Railcar Loading (F001)**

None

Emissions Unit: Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (F002)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit ID: Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (F002)

Activity Description: Poly/Epoxy BPA Bagging Operations and Vacuum Sweeper System

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
polycarbonate and epoxy grade bisphenol A bagging operations with a baghouse (A-1175) and a warehouse sweeper with a cyclone (A-1103)	OAC rule 3745-31-05(A)(3) (PTI 07-00264)	Particulate emissions from the baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases. Particulate emissions from the baghouse shall not exceed 4.0 tons per year. Visible emissions from the baghouse outlet shall not exceed 10% opacity, as a 6-minute average.
	OAC rule 3745-17-07(A)	See section A.I.2.a below.
	OAC rule 3745-17-11(B)	See section A.I.2.a below.

2. Additional Terms and Conditions

2.a The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. **The permittee shall perform daily checks, when the Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (emissions unit F002) is in operation and when the weather conditions allow, for any visible particulate emissions from the baghouse stack serving the Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (emissions unit F002). The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:**

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

   If the daily checks show emissions that are representative of normal operation for 1 operating quarter, the required frequency of visible emission checks may be reduced to weekly (once every week, when the Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (emissions unit F002) is in operation). If a subsequent check by the permittee or an Ohio EPA inspector indicates emissions that are not representative of normal operation, the frequency of emission checks shall revert back to daily until such time as there is 1 operating quarter of normal visible emissions.

   The observance of visible emissions may or may not indicate a mass emission and/or visible emission violation. If required by the Portsmouth local air agency, compliance with the mass emission limitation and/or visible emission limitation shall be determined by performing mass emission tests and/or visible emission readings, using USEPA-approved methods and procedures.

2. **Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-264, issued on 3/18/92: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.**

IV. Reporting Requirements

1. **The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving the Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (emissions unit F002) and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the Director (the appropriate Ohio EPA District Office or local air agency) by January 31 and July 31 of each year and shall cover the previous 6-month period.**

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-264, issued on 3/18/92: A.IV.1. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Particulate emissions from the baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5.

1.b Emission Limitation:

Visible emissions from the baghouse outlet shall not exceed 10% opacity, as a 6-minute average.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9.

1.c Emission Limitation:

Particulate emissions from the baghouse shall not exceed 4.0 tons per year.

Applicable Compliance Method:

The tons per year emissions limitation was developed by multiplying the particulate emission rate, 0.030 grain per dscf, times the maximum airflow from the baghouse (3,500 cf/m) times 60 minutes per hour divided by 7,000 grains per pound times the maximum potential operating schedule of 8,760 hours per year, and dividing by 2,000 pounds per ton. Therefore, provided compliance is shown with the 0.030 grain per dscf limitation, compliance will also be shown with the annual limitation.

2. The permittee shall conduct, or have conducted, emission testing for the A-1175 baghouse in accordance with the following requirements:

a. The emission testing shall be conducted within 12 months of permit expiration.

b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates.

c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): for particulates, 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.

d. 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 Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-264, issued on 3/18/92: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

Emissions Unit: **Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (F002)**

None

Emissions Unit: Polycarbonate and Epoxy Grade BPA Bagging Operations and Warehouse Sweeper (F002)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Polycarbonate Grade BPA Truck Loading (F003)

Activity Description: Poly BPA Truck Loading

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
polycarbonate grade bisphenol A tank truck loading with a baghouse (F-406)	OAC rule 3745-31-05(A)(3) (PTI 07-00326)	Particulate emissions from the baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases. Visible emissions from the baghouse outlet shall not exceed 10% opacity, as a 6-minute average.
	OAC rule 3745-17-07(A)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).
	OAC rule 3745-17-11(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. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. **The permittee shall perform daily checks, when the Polycarbonate Grade BPA Truck Loading (emissions unit F003) is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving the Polycarbonate Grade BPA Truck Loading (emissions unit F003). The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:**

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

   If the daily checks show emissions that are representative of normal operation for 1 operating quarter, the required frequency of visible emission checks may be reduced to weekly (once every week, when the Polycarbonate Grade BPA Truck Loading (emissions unit F003) is in operation). If a subsequent check by the permittee or an Ohio EPA inspector indicates emissions that are not representative of normal operation, the frequency of emission checks shall revert back to daily until such time as there is 1 operating quarter of normal visible emissions.

   The observance of visible emissions may or may not indicate a mass emission and/or visible emission violation. If required by the Portsmouth local air agency, compliance with the mass emission limitation and/or visible emission limitation shall be determined by performing mass emission tests and/or visible emission readings, using USEPA-approved methods and procedures.

2. **Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-326, issued on 03/17/93 and modified on 05/15/01: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.**

IV. Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving the Polycarbonate Grade BPA Truck Loading (emissions unit F003) and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the Director (the appropriate Ohio EPA District Office or local air agency) by January 31 and July 31 of each year and shall cover the previous 6-month period.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent or as more stringent than the reporting requirements contained in Permit to Install #07-326, issued on 3/18/92: A.IV.1. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible emissions from the baghouse outlet shall not exceed 10% opacity, as a 6-minute average.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9.

1.b Emission Limitation:

Particulate emissions from the baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5.

2. The permittee shall conduct, or have conducted, emission testing for the F-406 baghouse in accordance with the following requirements:

a. The emission testing shall be conducted within 12 months of permit expiration.
b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates.

c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): for particulates, 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.

d. 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 Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install # 07-326, issued on 03/18/92: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Polycarbonate Grade BPA Powerliner (F004)

Activity Description: BPA Powerliner

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
polycarbonate grade bisphenol A powerliner loading with a baghouse (F-1101)	OAC rule 3745-31-05(A)(3) (PTI 07-00498)	Visible particulate emissions from the baghouse outlet shall not exceed 10% opacity. Particulate emissions from the baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases and 3.2 tons per year.
	OAC rule 3745-17-07(A)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).
	OAC rule 3745-17-11(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. Additional Terms and Conditions

Emissions Unit: BPA Powerliner (F004)

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. **The permittee shall perform daily checks, when the Polycarbonate Grade BPA Powerliner (emissions unit F004) is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving the Polycarbonate Grade BPA Powerliner (emissions unit F004). The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:**

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

   If the daily checks show emissions that are representative of normal operation for 1 operating quarter, the required frequency of visible emission checks may be reduced to weekly (once every week, when the Polycarbonate Grade BPA Powerliner (emissions unit F004) is in operation). If a subsequent check by the permittee or an Ohio EPA inspector indicates emissions that are not representative of normal operation, the frequency of emission checks shall revert back to daily until such time as there is 1 operating quarter of normal visible emissions.

   The observance of visible emissions may or may not indicate a mass emission and/or visible emission violation. If required by the Portsmouth local air agency, compliance with the mass emission limitation and/or visible emission limitation shall be determined by performing mass emission tests and/or visible emission readings, using USEPA-approved methods and procedures.

2. **Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-498, issued on 11/16/00 and modified on 05/15/01: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.**

IV. Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving the Polycarbonate Grade BPA Powerliner (emissions unit F004) and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the Director (the appropriate Ohio EPA District Office or local air agency) by January 31 and July 31 of each year and shall cover the previous 6-month period.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-498, issued on 11/16/00 and modified on 5/15/01: A.IV.1. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible particulate emissions from the baghouse outlet shall not exceed 10% opacity, as a 6 - minute average.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9.

1.b Emission Limitation:

Particulate emissions from the baghouse shall not exceed 0.030 grain per dry standard cubic foot of exhaust gases.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5.

1.c Emission Limitation:

Particulate emissions from the baghouse shall not exceed 3.2 tons per year.
Applicable Compliance Method:

The tons/year emissions limitation was developed by multiplying the particulate emission rate, 0.030 gr/dscf, times the maximum airflow from the baghouse (2,871 cf/m), times 60 minutes/hour divided by 7,000 grains/pound times the maximum potential operating schedule of 8760 hours/year, and dividing by 2000 pounds/ton. Therefore, provided compliance is shown with the gr/dscf limitation, compliance will also be shown with the annual limitation.

2. The permittee shall conduct, or have conducted, emission testing for the F-1101 baghouse in accordance with the following requirements:

a. The emission testing shall be conducted within 12 months of permit expiration.
b. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate for particulates.
c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): U. S. EPA Method 5, 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.
d. 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 Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-498, issued on 11/16/00 and modified on 05/15/01: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the

testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: BPA Powerliner (F004)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Phenol/Acetone/AMS Railcar Loading (J004)

Activity Description: Phenol/Acetone/AMS Railcar Loading

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
railcar loading of phenol, acetone, and alphamethylstyrene top load, splash fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 12.94 tons per year. Acetone emissions shall not exceed 303.0 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. For this group 2 transfer rack, the permittee shall comply with the record keeping requirements of 40 CFR 63.130(f) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued 02/08/98: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 12.94 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the equations and procedures obtained from AP-42, Volume 1, 5th Edition, Chapter 5, Section 5.2, dated January, 1995 as summarized below. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

i. phenol: multiply the annual throughput of the loading rack in gallons per year times the constant 0.01246 times the saturation factor of 1.45 times the true vapor pressure of phenol, 0.0626 psia, times the molecular weight of phenol vapors, 94.11 pound per pound-mole, divided by the temperature of the phenol loaded, 590 degrees Rankin divided by 2,000 pounds per ton; and

ii. alphamethylstyrene (AMS): multiply the annual throughput of the loading rack in gallons/year times the constant 0.01246 times the saturation factor of 1.45 times the true vapor pressure of AMS, 0.0138 psia, times the molecular weight of AMS vapors, 118.18 pound/pound-mole, divided by the temperature of the AMS loaded, 515 degrees Rankin divided by 2,000 pounds/ton.

1.b Emission Limitation:

Acetone emissions shall not exceed 303.0 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the equations and procedures obtained from AP-42, Volume 1, 5th Edition, Chapter 5, Section 5.2, dated January, 1995 as summarized below. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

i. acetone: multiply the annual throughput of the loading rack in gallons per year times the constant 0.01246 times the saturation factor of 1.45 times the true vapor pressure of acetone, 2.5512 psia, times the molecular weight of acetone vapors, 58.08 pound per pound-mole, divided by the temperature of the acetone loaded, 515 degrees Rankin divided by 2,000 pounds per ton.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00451, issued 02/08/98: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: Phenol/Acetone/AMS Railcar Loading (J004)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Phenol/Acetone/AMS Truck Loading (J006)

Activity Description: Phenol/Acetone/AMS Truck Loading

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
truck loading of phenol, acetone, and alphamethylstyrene top load, splash fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 12.94 tons per year. Acetone emissions shall not exceed 303.0 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. For this group 2 transfer rack, the permittee shall comply with the record keeping requirements of 40 CFR 63.130(f) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued 02/08/98: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 12.94 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the equations and procedures obtained from AP-42, Volume 1, 5th Edition, Chapter 5, Section 5.2, dated January, 1995 as summarized below. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

i. phenol: multiply the annual throughput of the loading rack in gallons per year times the constant 0.01246 times the saturation factor of 1.45 times the true vapor pressure of phenol, 0.0626 psia, times the molecular weight of phenol vapors, 94.11 pound per pound-mole, divided by the temperature of the phenol loaded, 590 degrees Rankin divided by 2,000 pounds per ton; and

ii. alphamethylstyrene (AMS): multiply the annual throughput of the loading rack in gallons per year times the constant 0.01246 times the saturation factor of 1.45 times the true vapor pressure of AMS, 0.0138 psia, times the molecular weight of AMS vapors, 118.18 pound per pound-mole, divided by the temperature of the AMS loaded, 515 degrees Rankin divided by 2,000 pounds per ton.

1.b Emission Limitation:

Acetone emissions shall not exceed 303.0 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the equations and procedures obtained from AP-42, Volume 1, 5th Edition, Chapter 5, Section 5.2, dated January, 1995 as summarized below. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

i. acetone: multiply the annual throughput of the loading rack in gallons per year times the constant 0.01246 times the saturation factor of 1.45 times the true vapor pressure of acetone, 2.5512 psia, times the molecular weight of acetone vapors, 58.08 pound per pound-mole, divided by the temperature of the acetone loaded, 515 degrees Rankin divided by 2,000 pounds per ton.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00451, issued 02/08/98: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: Phenol/Acetone/AMS Truck Loading (J006)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: LC04 (J008)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: LC04 (J008)

Activity Description: Cumene Railcar Unloading

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
cumene railcar unloading	OAC rule 3745-31-05(A)(3) (PTI 07-00508)	See Part II, section A.I.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F and H	See Part II, section A.I and Attachments 1 and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

Emissions Unit: LC04 (J008)

None

VI. Miscellaneous Requirements

None

Emissions Unit: LC04 (J008)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Cumene Oxidation Process Unit (P001)

Activity Description: Cumene Oxidation Process Unit

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
cumene oxidation process unit with the following air pollution control devices: condenser (3231-C) thermal oxidizer (2007-L) regenerative thermal oxidizer (RTO)	OAC rule 3745-31-05(A)(3) (PTI 07-00500)	Volatile organic compound emissions from all equipment except for the thermal oxidizer (2007-L), regenerative thermal oxidizer (RTO) and fugitive equipment leaks shall not exceed 44.69 pounds per day and 8.16 tons per year, as a rolling, 12-month summation. Total particulate emissions from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer, shall not exceed 0.5 pound per hour and 2.19 tons per year. Total nitrogen oxides emissions from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer, shall not exceed 7.50 pounds per hour and 32.85 tons per year. Total sulfur dioxide emissions from the thermal oxidizer (2007-

	L), for all equipment vented to the thermal oxidizer, shall not exceed 0.1 pound per hour and shall be less than 1 ton per year. **Total carbon monoxide emissions from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer, shall not exceed 8.24 pounds per hour and 36.07 tons per year.** **Total particulate emissions from the regenerative thermal oxidizer (RTO), for all equipment vented to the regenerative thermal oxidizer, shall not exceed 0.68 pound per hour and 3.0 tons per year.** **Total nitrogen oxides emissions from the regenerative thermal oxidizer (RTO), for all equipment vented to the regenerative thermal oxidizer, shall not exceed 1.66 pounds per hour and 7.25 tons per year.** **Total carbon monoxide emissions from the regenerative thermal oxidizer (RTO), for all equipment vented to the regenerative thermal oxidizer, shall not exceed 7.56 pounds per hour and 33.11 tons per year.** **The requirements of this rule also include compliance with the requirements of OAC rule 3745-31-10 through OAC rule 3745-31-20, and 40 CFR Part 63, Subparts F, G, and H, 40 CFR Part 60, Subparts VV and III, 40 CFR Part 61, Subpart FF, and OAC rule 3745-21-09(DD) and (EE).**
OAC rule 3745-31-10 through OAC rule 3745-31-20	

Emissions Unit: Cumene Oxidation Process Unit (P001)

	Total volatile organic compound emissions (including acetone) from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer serving emissions units P001 and P007, shall not exceed 6.11 pounds per hour and 26.77 tons per year, as a rolling, 12-month summation from the thermal oxidizer stack.
	Total volatile organic compound emissions (including acetone) from the regenerative thermal oxidizer (RTO), for all equipment vented to the regenerative thermal oxidizer, shall not exceed 6.11 pounds per hour and 26.77 tons per year, as a rolling, 12-month summation from the regenerative thermal oxidizer stack.
40 CFR Part 63, Subpart A	**See section A.I.2.a below.**
40 CFR Part 63, Subparts F, G, and H	**See Part II, section A.III.**
40 CFR Part 60, Subpart III	**See Part II, section A.I and section A.I.2.b below and Attachments 1, 2, and 3.**
40 CFR Part 60, Subpart VV	**See section A.I.2.c below.**
OAC rule 3745-21-09(DD)	**See Part II, section A.I.**
OAC rule 3745-21-09(EE)	**See Part II, section A.I.**
40 CFR Part 61, Subpart FF	**See sections A.I.2.d and A.I.2.e below.**
OAC rule 3745-18-06(E)	**See Part II, section A.IV and sections A.III.10 and A.IV.6 below.**
OAC rule 3745-21-08(B)	**See section A.I.2.f below.**
OAC rule 3745-23-06(B)	

See section A.I.2.h below.

See section A.I.2.i below.

2. Additional Terms and Conditions

2.a **This prevention of significant deterioration (PSD) best available control technology (BACT) determination requires volatile organic compound emissions that are vented to the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) to be reduced by not less than 99%, by weight. The VOC emissions from the following** modified equipment shall be vented to the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO): the oxidation reactors (201-DA, 201-DB, 201-DC, 201-DD, 201-DE, 201-DF, 201-DG, 201-DH, 201-DJ, 201-DK, 201-DL, and 201-DM), oxidation product surge drum (208-F), and the spent air regeneration condenser receiver (229-F).

2.b In accordance with 40 CFR 63.113(a)(2) [see Attachment 2], for all Group 1 process vent streams, the emissions of total organic HAPs shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen.

The VOC emissions from the following equipment shall be vented to the thermal oxidizer and/or the regenerative thermal oxidizer (RTO): the oxidation reactors (201-DA, 201-DB, 201-DC, 201-DD, 201-DE, 201-DF, 201-DG, 201-DH, 201-DJ, 201-DK, 201-DL, and 201-DM), oxidation product surge drum (208-F), and the spent air regeneration condenser receiver (229-F).

The VOC emissions from the emergency CHP surge tank shall be vented to the 3231-C condenser.

The VOC emissions from the following equipment are uncontrolled: carbonate slurry tank (222-F), carbonate dilution tanks (206-FA and 206-FB), oxidation reactor feed surge drum (202-F), air compressor oil drums (201-J, 201-JA, 201-JB, 224-J, 224-JA, and the cumene wash column (201-E).

2.c The following Group 1 process vents are subject to the provisions of 40 CFR 60, Subpart III, but are required to comply only with the requirements of 40 CFR Part 63, Subparts F, G and H [see Attachments 1, 2, and 3]:

Air oxidation reactor train and its combined spent air vent stream (201-DA, 201-DB, 201-DC, 201-DD, 201-DE, 201-DF, 201-DG, 201-DH, 201-DJ, 201-DK, 201-DL, and 201-DM)

Oxidation Product Surge Drum (208-F)

2.d [OAC rule 3745-21-09(EE)(1)]

Except where exempted under OAC rule 3745-21-09(EE)(2), the permittee shall vent process vent streams from air oxidation processes, producing a chemical listed in Appendix A of OAC rule 3745-21-09, to a combustion device which:

i. reduces the VOC emissions vented to it with an efficiency of at least 98 percent by weight; or
ii. emits a VOC concentration less than 20 ppm by volume, dry basis.

2.e [OAC rule 3745-21-09(EE)(2)(b)]
Any process vent stream or combination of process vent streams which maintain a total resource effectiveness (TRE) value greater than 1.0 shall be exempt from the requirements of OAC rule 3745-21-09(EE)(1). If an air oxidation process has more than one process vent stream, the TRE shall be based upon a combination of the process vent streams. The TRE shall be calculated in accordance with section OAC rule 3745-21-09(EE)(3).

2.f The thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) are fueled with natural gas and process vent gas only and have no process weight as defined in OAC rule 3745-18-01(B)(13). Therefore, this equipment is exempt from the emissions limitation established in OAC rule 3745-18-06(E).

2.g There are no uncontrolled particulate emissions from the Cumene Oxidation process unit; therefore, OAC rules 3745-17-07(A) and 3745-17-11 are not applicable to the Cumene Oxidation process unit.

2.h 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 07-00500.

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.i 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 07-00500.

II. Operational Restrictions

1. In accordance with the permittee's permit application, the permittee is operating by routing the organic vapors from Group 1 process vents from the cumene oxidation process unit (emissions

unit P001) to a thermal oxidizer (2007-L) and/or regenerative thermal oxidizer (RTO) in order to comply with the percent reduction requirement or concentration limit specified in 40 CFR 63.113(a)(2) [see Attachment 2]. The minimum firebox temperature of the thermal oxidizer shall be 1,450 degrees Fahrenheit (788 degrees Celsius) as a daily (calendar) average. The minimum firebox temperature of the regenerative thermal oxidizer (RTO) shall be established during the initial emissions testing required in section A.V.2.

2. The permittee shall burn only process vent gases and/or natural gas in the thermal oxidizer (2007-L) and/or regenerative thermal oxidizer (RTO) .

3. Each surge control vessel or bottoms receiver tank which meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

   In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, these vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: 206-FA, 206-FB, 202-F, and 3232-F.

III. Monitoring and/or Record keeping

1. The permittee shall maintain a temperature monitoring device, equipped with a continuous recorder, in the firebox of the thermal oxidizer (2007-L) or regenerative thermal oxidizer (RTO) in accordance with the requirements of 40 CFR 63.114(a) [see Attachment 2]. The permittee shall maintain records of the thermal oxidizer or regenerative thermal oxidizer (RTO) firebox temperature in accordance with 40 CFR 63.118(a) [see Attachment 2].

2. The permittee shall monitor any bypass line(s) that could divert a Group 1 process vent away from the thermal oxidizer (2007-L) or regenerative thermal oxidizer (RTO) in accordance with 40 CFR 63.114(d) [see Attachment 2]. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to 40 CFR 63.114(d) [see Attachment 2].

   a. Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3) [see Attachment 2]. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere; or

   b. Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

   The permittee shall maintain records of the flow indicator or monthly visual inspection requirements for bypass lines that could divert a Group 1 process vent away from the thermal

oxidizer (2007-L) or regenerative thermal oxidizer (RTO) in accordance with 40 CFR 63.118(a)(3) & (4) [see Attachment 2].

3. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration as necessary to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

   The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117, 63.118(c), (d), and (e) [see Attachment 2].

4. For each Group 2 storage vessel, the permittee shall comply with the record keeping requirements of 40 CFR 63.123(a) [see Attachment 2].

5. For each Group 1 process wastewater stream, the permittee shall comply with the requirements of 40 CFR 63.132 through 63.149 [see Attachment 2].

6. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105 [see Attachment 1].

7. [OAC rule 3745-21-09(EE)(3)(a)]
   The total resource effectiveness value for an air oxidation process shall be calculated in accordance with the following equations:

   a. For nonchlorinated process vent streams with a net heating value less than or equal to 3.6 and for all chlorinated process vent streams:

      $$TRE = [a + bW^{.88} + cW + dWH + eW^{.88} H^{.88} + f W^{.5}]/E$$

      where:

      TRE = total resource effectiveness value;

      E = maximum hourly VOC emission rate at the vent stream design flow rate (W), in kilograms of VOC per hour (kg/hr);

      W = vent stream design flow rate at a standard temperature of twenty degrees Celsius, in standard cubic meters per minute (scm/min);

      H = vent stream net heating value, as determined in accordance with OAC rule 3745-21-10(P)(2), in megajoules per standard cubic meter (10^6J/scm); and

      a, b, c, d, e, and f = applicable coefficients from Appendix B of OAC rule 3745-21-09.

   b. For nonchlorinated process vent streams with a net heating value greater than 3.6:

      $$TRE = [a + bW^{.88} + cW + dWH + eW^{.88} H^{.88} + f(WH / 3.6)^{.5}]/E$$

where TRE, E, W, H, a, b, c, d, e and f are defined as above.

8. [OAC rule 3745-21-09(EE)(3)(b)]
The parameters used in the total resource effectiveness equations required by OAC rule 3745-21-09(EE)(3) shall be measured at the outlet(s) of the final product recovery device(s) where VOC is reclaimed for beneficial reuse (recycle, sale, or use in another part of the process).

9. For each day during which the permittee burns a fuel other than process vent gases and/or natural gas in the thermal oxidizer (2007-L) or regenerative thermal oxidizer (RTO), the permittee shall maintain a record of the type and quantity of fuel burned.

10. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR Part 61.356 and section A.IV of Part II - Specific Facility Terms and Conditions.

11. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.III.1 through A.III.10. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 63.118 [see Attachment 2] for process vents and all information specified in 40 CFR 63.146 [see Attachment 2] for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

2. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.152(d)(1) [see Attachment 2] and 40 CFR 63.10(d)(5) [see Part II, section A.III]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.152(c) [see Attachment 2] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

3. Whenever the recalculations (performed whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine one of the criteria below have been met, the permittee shall submit a report as specified in 40 CFR 63.118 (g) through (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR 63.100 [see Attachment 1].

   a. the recalculated TRE index value is less than or equal to 1.0;
   b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;

c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or

d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

4. The permittee shall submit reports of any fuels burned other than process vent gases and/or natural gas in the thermal oxidizer (2007-L) or regenerative thermal oxidizer (RTO) within 30 days of such occurrence to the Portsmouth local air agency, including the date, type, and amount of any such fuel burned.

5. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(c) [see Attachment 1].

6. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR Part 61.357 and section A.IV of Part II - Facility Specific Terms and Conditions.

7. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent or more stringent than the reporting requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.IV.1 through A.IV.6. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

VOC emissions from all equipment except for the thermal oxidizer (**2007-L) and/or regenerative thermal oxidizer (RTO) and** fugitive equipment leaks shall not exceed 44.69 pounds per day.

VOC emissions from all equipment except for the thermal oxidizer (2007-L), **and/or regenerative thermal oxidizer (RTO)** and fugitive equipment leaks shall not exceed 8.16 tons per year, as a 12-month rolling summation.

Applicable Compliance Method:

If required, compliance shall be determined in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

Equipment ID	Equipment Description	Egress Point	Control Device	VOC (lb/day)	VOC (tpy)	Notes

222-F	Carbonate slurry tank	OX02	None	14.92	2.61	2
206-FA	Carbonate dilution tank	OX03	None	4.85	0.89	2
206-FB	Carbonate dilution tank	OX04	None	4.85	0.89	2
202-F	Oxidation reactor feed surge drum	OX05	None	9.27	1.69	2
201-J	Air compressor oil drum	OX08	None	<0.01	<0.01	2
201-JA	Air compressor oil drum	OX09	None	<0.01	<0.01	2
201-JB	Air compressor oil drum	OX10	None	<0.01	<0.01	2
224-J	Air compressor oil drum	OX11	None	<0.01	<0.01	2
224-JA	Air compressor oil drum	OX12	None	<0.01	<0.01	2
201-E	Cumene wash column	OX13	None	0.02	<0.01	2
3232-F	Emergency CHP surge tank	OX14	3231-C Condenser	11.41	2.08	1

1. VOC emissions (lb/day and tpy) from this equipment are controlled. The VOC emissions include the emissions reductions due to the control device. These values represent the potential to emit and are identified in previous application submittals (PTI 07-500). Individual equipment VOC (lb/day and tpy) values are not independently enforceable in this permit.
2. VOC emissions (lb/day and tpy) from this equipment are uncontrolled. These values represent the potential to emit and are identified in previous application submittals (PTI 07-500). Individual equipment VOC (lb/day and tpy) values are not independently enforceable in this permit.

1.b Emission Limitation:

Total particulate emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 0.5 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.c Emission Limitation:

Total particulate emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 2.19 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.d Emission Limitation:

Total nitrogen oxides emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 7.5 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 7 or 7e.

1.e Emission Limitation:

Total nitrogen oxides emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 32.85 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.f Emission Limitation:

Total sulfur dioxide emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 0.1 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 6 or 6c.

1.g Emission Limitation:

Total sulfur dioxide emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall be less than 1 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per

year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.h Emission Limitation:

Total particulate emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 0.68 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.i Emission Limitation:

Total particulate emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 3.0 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.j Emission Limitation:

Total nitrogen oxides emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 1.66 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 7 or 7e.

1.k Emission Limitation:

Total nitrogen oxides emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 7.25 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.l Emission Limitation:

Total carbon monoxide emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 7.56 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 10.

1.m Emission Limitation:

Total carbon monoxide emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 33.11 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.n Emission Limitation:

Total volatile organic compound emissions (including acetone) from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 6.11 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25 or 25A.

1.o Emission Limitation:

Total volatile organic compound emissions (including acetone) from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 26.77 tons per year, as a 12-month rolling summation.

Applicable Compliance Method:

Compliance with the annual emission limitation shall be determined by multiplying the hourly emission rate by the actual hours of operation per month and then dividing by 2000 pounds per ton, to arrive at the tons per month emissions. The monthly emissions shall be added to the previous 11 months emissions to determine the rolling 12-months total emissions.

1.p Emission Limitation:

Total volatile organic compound emissions (including acetone) from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 6.11 pounds per hour.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25 or 25A.

1.q Emission Limitation:

Total volatile organic compound emissions (including acetone) from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 26.77 tons per year, as a 12-month rolling summation.

Applicable Compliance Method:

Compliance with the annual emission limitation shall be determined by multiplying the hourly emission rate by the actual hours of operation per month and then dividing by 2000 pounds per ton, to arrive at the tons per month emissions. The monthly emissions shall be added to the previous 11 months emissions to determine the rolling 12-months total emissions.

1.r Emission Limitation:

The emissions of total organic HAP from Group 1 process vents shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

Applicable Compliance Method:

The concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the regenerative thermal oxidizer (RTO) or if required, the thermal oxidizer (2007-L)), shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25 or 25A. 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.

1.s Emission Limitation:

Total carbon monoxide emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 8.24 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 10.

1.t Emission Limitation:

Total carbon monoxide emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 36.07 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

2. The permittee shall conduct, or have conducted, the emission testing for the regenerative thermal oxidizer (RTO) in accordance with the following requirements:

a. The emission testing shall be conducted within 24 months of permit issuance.

b. The emission testing shall be conducted to demonstrate compliance with the allowable emission rate for VOC and the HAP concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the regenerative thermal oxidizer).

c. The following test methods shall be employed to demonstrate compliance with the allowable mass emission rates: for HAP concentration, U. S. EPA Methods 1 through 4, and 18, 25 or 25A, 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

d. 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 Portsmouth local air agency.

e. If required, 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 OAC rule 3745-21-10. 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.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: BPA Process Unit (P003)

Activity Description: Bisphenol-A Process Unit

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
bisphenol-A process unit with the following air pollution control devices:	OAC rule 3745-31-05(A)(3) (PTI 07-309)	Volatile organic compound emissions from the scrubber (T-702) shall be negligible.
condenser (E-107) condenser (E-207) scrubber (T-702) baghouse (F-402) baghouse (F-602)	OAC rule 3745-31-05(A)(3) (PTI 07-264)	Volatile organic compound emissions from all equipment except fugitive emissions leaks shall not exceed 7.82 pounds per hour and 34.25 tons per year. Particulate emissions from the combined outlet of the two baghouses (F-402 & F-602) shall not exceed 4.74 pounds per hour and 20.76 tons per year. The hourly emission limitation specified by this rule is less stringent than the hourly emission limitation established pursuant to OAC rule 3745-17-11(B).
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and Attachments 1, 2, and 3.

40 CFR Part 60, Subpart NNN	See sections A.I.2.a through A.I.2.d below.
40 CFR Part 60, Subpart VV	See Part II, section A.I.
OAC rule 3745-21-09(DD)	See Part II, section A.I.
OAC rule 3745-17-07(A)	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)	Particulate emissions from the combined outlet of the two baghouses (F-402 & F-602) shall not exceed 3.96 pounds per hour.

2. Additional Terms and Conditions

2.a 40 CFR Part 60, Subpart NNN applies to the following distillation units and associated recovery equipment within the BPA process unit:

i. The following equipment vents to the low vacuum system drum (D-904):

first crystallization flash drum (D-304)
second crystallization flash drum (D-501R)
epoxy BPA stripping column (T-601)

ii. The following equipment vents to the high vacuum system drum (D-903):

first stage crystallizer #1 (D-301)
first stage crystallizer #2 (D-302)
poly BPA phenol removal flash drum (D-401)
polycarbonate BPA stripping column (T-401
epoxy BPA phenol removal flash drum (D-601)
second stage crystallizer #2 (D-503)
second stage crystallizer #1 (D-513)
mother liquid flash drum (D-804)

iii. hydrochloric acid stripper column (T-201) controlled by a condenser (E-207)

iv. hydrochloric acid extractive distillation column (T-701) controlled by a scrubber (T-702)

2.b [40 CFR 60.660(c)(4)]

The equipment subject to 40 CFR Part 60, Subpart NNN with a total resource effectiveness (TRE) index value of greater than 8.0 are exempt from the requirements of 40 CFR Part 60, Subpart NNN except for the requirements specified in 60.662, 60.664(d), 60.664(e), and 60.664(f), 60.665(h), and 60.665(l). In accordance with the permittee's permit application, the following distillation columns and associated recovery equipment have a TRE index value greater than 8.0: low vacuum system; high vacuum system; and hydrochloric acid stripper column (T-201).

2.c [40 CFR 60.660(c)(6)]
The equipment subject to 40 CFR Part 60, Subpart NNN with a vent stream flow rate less than 0.008 standard cubic meters per minute (scm/min) are exempt from the requirements of 40 CFR Part 60 Subpart NNN except for the requirements specified in 60.664(g) and 60.665(i), 60.665(l)(5), and 60.665(o). In accordance with the permittee's permit application, the following distillation columns have a flow rate less than 0.008 standard cubic meters per minute: hydrochloric acid extractive distillation column (T-701).

2.d [40 CFR 60.662]
The equipment subject to 40 CFR Part 60, Subpart NNN with a TRE index equal to or less than 8.0 and a flow rate equal to or greater than 0.008 standard cubic meter per minute (scm/m) shall comply with one of the following:

i. Reduce the emissions of total organic compounds (TOC) by 98% by weight or to a concentration of 20 ppmv TOC, on a dry basis corrected to 3% oxygen;
ii. Combust the emissions in a flare that meets the requirements of 40 CFR 60.18; or
iii. Maintain a TRE index value greater than 1.0 without the use of VOC emission control devices.

II. Operational Restrictions

1. The condenser (E-207) exit temperature (product side) shall not exceed 149 degrees Fahrenheit as a daily average.

2. Each surge control vessel or bottoms receiver tank which meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks, do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, these vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: D-404R, D-603, D-714, S-400B, S-400C, TK-101, D-909, D-104, D-303, D-312R, D-310, D-308, D-311, D-314, D-313, D-502R, D-202R, D-204, D-701A, D-701B, D-706A, D-706B, D-707, D-507, D-803R, D-505, D-508, and D-510.

III. Monitoring and/or Record keeping

Emissions Unit: BPA Process Unit (P003)

1. The permittee shall perform daily checks, when the BPA process unit (emissions unit P003) is in operation and when the weather conditions allow, for any visible particulate emissions from the combined baghouse outlet stack (ST-401) serving the BPA process unit (emissions unit P003). The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

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

   If the daily checks show emissions that are representative of normal operation for 1 operating quarter, the required frequency of visible emission checks may be reduced to weekly (once every week, when the BPA process unit (emissions unit P003) is in operation). If a subsequent check by the permittee or an Ohio EPA inspector indicates emissions that are not representative of normal operation, the frequency of emission checks shall revert back to daily until such time as there is 1 operating quarter of normal visible emissions.

   The observance of visible emissions may or may not indicate a mass emission and/or visible emission violation. If required by the Portsmouth local air agency, compliance with the mass emission limitation and/or visible emission limitation shall be determined by performing mass emission tests and/or visible emission readings, using USEPA-approved methods and procedures.

2. For each process vent with a TRE > 1.0 but < 4.0 that uses a recovery device, the permittee shall monitor the recovery device operating parameters in accordance with the requirements of 40 CFR 63.114(b) [see Attachment 2].

   The condenser (E-207), the final recovery device for a process vent with a TRE > 1.0 but < 4.0, shall be equipped with a condenser exit temperature monitoring device.

   The permittee shall maintain continuous records of the condenser (E-207) outlet temperature.

   The permittee shall record the daily average exit temperature for each operating day.

3. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration as necessary to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

   The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117, 40 CFR 63.118(c), 40 CFR 63.118(d), and 40 CFR 63.118(e) [see Attachment 2].

4. For each Group 2 storage vessel, the permittee shall comply with the record keeping requirements of 40 CFR 63.123(a) [see Attachment 2].

5. For each Group 2 process wastewater stream, the permittee shall comply with the record keeping requirements of 40 CFR 63.147 [see Attachment 2].

6. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105(a) [see Attachment 1].

7. [40 CFR 60.664(d)]
The net heating value of the gas combusted for determining the process vent stream TRE index value to determine compliance under 40 CFR 60.662(c) shall be determined in accordance with the equations and procedures in 40 CFR 60.664(d).

8. [40 CFR 60.664(e)]
For purposes of complying with 40 CFR 60.662(c), the permittee shall determine the TRE index value by calculating values using both the incinerator equation in 40 CFR 60.664(e)(1) and the flare equation in 40 CFR 60.664(e)(2) and selecting the lower of the two values.

9. [40 CFR 60.664(f)]
The permittee seeking to comply with 40 CFR 60.660(c)(4) or 40 CFR 60.662(c) shall recalculate the TRE index value for that affected facility whenever process changes are made. Examples of process changes include changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. The TRE index value shall be recalculated based on test data, or on best engineering estimates of the effects of the change to the recovery system.

   a. Where the recalculated TRE index value is less than or equal to 1.0, the permittee shall notify the Administrator, with a copy to the Portsmouth local air agency, within 1 week of the recalculation and shall conduct a performance test according to the methods and procedures required by 40 CFR 60.664 in order to determine compliance with 40 CFR 60.662(a). Performance tests must be conducted as soon as possible after the process change but no later than 180 days from the time of the process change.

   b. Where the initial TRE index value is greater than 8.0 and the recalculated TRE index value is less than or equal to 8.0 but greater than 1.0, the permittee shall conduct a performance test in accordance with 40 CFR 60.8 and 40 CFR 60.664 and shall comply with 40 CFR 60.663, 60.664, and 60.665. Performance tests must be conducted as soon as possible after the process change but no later than 180 days from the time of the process change.

10. [40 CFR 60.663(d)]
For distillation columns complying with the TRE index value limit specified under 40 CFR 60.662(c) of greater than or equal to 1.0, the permittee shall install, calibrate, maintain, and operate according to manufacturer's specifications the equipment specified in 40 CFR 60.663(d).

11. [40 CFR 60.665(h)]
The permittee shall maintain the following records for each piece of equipment complying with 40 CFR 60.662(c):

a. any changes in production capacity feedstock type, catalyst type, or of any replacement, removal, or addition of recovery equipment or a distillation unit;
b. any recalculation of the TRE performed pursuant to 40 CFR 60.664(f); and
c. the results of any performance test performed pursuant to 40 CFR 60.664(d).

12. [40 CFR 60.664(g)]
The permittee shall use Method 2, 2A, 2C, or 2D, 40 CFR Part 60, Appendix A for determination of the flow rate to demonstrate compliance with 40 CFR 60.660(c)(6).

13. [40 CFR 60.665(i)]
The permittee shall maintain the following records for each piece of equipment complying with 40 CFR 60.660(c)(6):

a. that the vent stream flow rate is less than 0.008 standard cubic meter per minute; and
b. any change in equipment or process operation that increases the vent stream flow rate including a measurement of the new vent stream flow rate.

14. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR 61.356, 40 CFR 61.356(a), and 61356(b) [see Part II, section A.IV].

15. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-309, issued on 12/9/92 and Permit to Install #07-264, as issued on 3/18/92: A.III.1 through A.III.14. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the combined baghouse outlet stack (ST-401) serving the BPA process unit (emissions unit P003) and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the Director (the appropriate Ohio EPA District Office or local air agency) by January 31 and July 31 of each year and shall cover the previous 6-month period.

2. The permittee shall report all daily average condenser (E-207) exit temperatures that exceed the temperature limitations above.

3. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 63.118 [see Attachment 2] for process vents and all information specified in 40 CFR 63.146

[see Attachment 2] for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

4. Whenever the recalculations (performed when process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine that one of the criteria below has been met, the permittee shall submit a report as specified in 40 CFR 63.118(g) through (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR Part 63, Subpart F [see Attachment 1].

   a. the recalculated TRE index value is less than or equal to 1.0;
   b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;
   c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or
   d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

5. The permittee shall submit the information required in 40 CFR 60.665(b)(4) when demonstrating compliance with the TRE index value of greater than 1.0 option of 40 CFR 60.662(c).

6. [40 CFR 60.665(l)]
   The permittee shall submit semiannual reports of the following recorded information:

   a. Any change in equipment or process operation that increases the operating vent stream flow rate above the low flow exemption level in 40 CFR 60.660(c)(6), including a measurement of the new vent stream flow rate, as recorded under 40 CFR 60.665(i). These must be reported as soon as possible after the change and no later than 180 days after the change. These reports may be submitted either in conjunction with semiannual reports or as a single separate report. A performance test must be completed with the same time period to verify the recalculated flow value and to obtain the vent stream characteristics of heating value and ETOC (hourly emission rate of TOC). The performance test is subject to the requirements of 40 CFR 60.8. Unless the facility qualifies for an exemption under the low capacity exemption status in 40 CFR 60.660(c)(5), the facility must begin compliance with the requirements set forth in 40 CFR 60.662.

   b. Any recalculation of the TRE index value, as recorded under 40 CFR 60.665(h).

7. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.10(d)(5) [see Part II, section A.III] and 40 CFR 63.152(d)(1) [see Attachment 2]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.152(c) [see Attachment 2] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

8. The deviation reports shall be submitted in accordance with the requirements specified in Part 1 - General Term and Condition A.1.c of this permit.

9. The permittee shall submit reports for benzene waste operations in accourdance with the requirements specified in 40 CFR 61.357(a)(1) through (a)(3) [see Part II, section A.IV].

10. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(d) & (d)(1) [see Attachment 1].

11. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install # 07-309, issued on 12/9/92 and Permit to Install #07-264, as issued on 3/18/92: A.IV.1 through A.IV.10. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Volatile organic compound emissions from all equipment except fugitive equipment leaks shall not exceed 7.82 pounds per hour.

Volatile organic compound emissions from all equipment except fugitive equipment leaks shall not exceed 34.25 tons per year.

Volatile organic compound emissions from the hydrochloric acid scrubber (T-702) shall be negligible.

Applicable Compliance Method:

The volatile organic compound emissions (potential to emit) from the following equipment as listed below shall be summed.

If required , compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25 or 25A.

Equipment ID	Equipment Description	Egress Point	Control Device	VOC (lb/hr)	VOC (tpy)	Notes
D-103	Acetone feed surge drum	PB01	E-107 Condenser	<0.01	0.01	5
D-903	High vacuum system drum	PB01	None	0.5	2.18	16

Emissions Unit: **BPA Process Unit (P003)**

D-904	Low vacuum system drum	PB01	None	0.06	0.25	26
S-400A	Phenol water decanter	PB01	None	<0.01	<0.01	6
S-400B	Water side surge drum	PB01	None	<0.01	<0.01	6
S-400C	Phenol side surge drum	PB01	None	<0.01	<0.01	6
T-402	Poly BPA prill tower	PB01	F-402 Baghouse	0	0	6
T-602	Epoxy BPA prill tower	PB01	F-602 Baghouse	0	0	6
TK-901A/B	Vacuum pump suction seal tanks	PB01	None	<0.01	<0.01	6
TK-101	Recycled phenol tank	PB02	None	0.22	0.96	6
D-104	Tartaric acid drum	PB03	None	<0.01	<0.01	6
T-201	Hydrochloric acid stripper column	PB04	E-207 Condenser	5.39	23.62	57
D-303	D-301 feed mixing drum	PB05	None	0.04	0.16	6
D-312R	Filter feed drum	PB06	None	0.01	0.03	6
S-301/2, D-310	EIMCO rotary drum vacuum filter system and filtered BPA remelt/mixing drum	PB07	None	1.42	6.21	6
D-308	Intermediate washing liquor drum	PB08	None	<0.01	<0.01	6
D-311	Final washing liquor drum	PB09	None	<0.01	<0.01	6
D-314	S-301/302 barometric pot	PB10	None	<0.01	<0.01	6
D-313	Mother liquor drum	PB11	None	0.01	0.06	6
D-402	Vent condenser barometric pot	PB12	None	<0.01	<0.01	6
D-404R	Melted poly BPA surge drum	PB13	None	<0.01	0.01	6
D-502R	D-513 feed mixing drum	PB15	None	<0.01	<0.01	6
D-603	Molten epoxy BPA surge drum	PB16	None	<0.01	<0.01	6
D-702	CaCl solution surge tank	PB17	None	0	0	**6**
D-714	Tar decanter	PB18	None	<0.01	<0.01	6
T-702	Hydrochloric acid vent scrubber	PB19	T-702 Scrubber	**<0.01**	**<0.01**	35
D-507	Wet phenol reflux drum	PB21	None	<0.01	<0.01	6

D-802R	Heavy residue surge drum	PB21	None	0.11	0.47	6
D-803R	Overhead condensate drum	PB21	None	<0.01	<0.01	6
D-912	Phenolic vent system knockout drum	PB21	None	0.01	0.04	6
TK-902	Reaction building drain sump	PB22	None	0.02	0.1	6
TK-904	Purification building drain sump	PB23	None	0.02	0.11	6
TK-2122	Storm water sump	PB24	None	<0.01	0.02	6
D-505	Centrifuge slurry feed drum	PB25	None	<0.01	<0.01	46

1. The following equipment is vented to the high vacuum system drum (D-903): first stage crystallizer #1 (D-301), first stage crystallizer #2 (D-302), polycarbonate BPA phenol removal flash drum (D-401), second stage crystallizer #2 (D-503), second stage crystallizer #1 (D-513), epoxy BPA phenol removal flash drum (D-601), mother liquor flash drum (D-804), and polycarbonate BPA stripping column (T-401).
2. The following equipment is vented to the low vacuum system drum (D-904): first crystallization flash drum (D-304), second crystallization flash drum (D-501R), epoxy BPA stripping column (T-601).
3. The following equipment is vented to the hydrochloric acid vent scrubber (T-702): hydrochloric acid surge drum (D-708), extractive distillation column (T-701), hydrochloric acid storage tank (TK-2002), acidic vent washing column (T-203), T-201 barometric pot B (D-203), acidic phenol drum (D-204), acidic phenolic water surge drums (D-701A/B), crude acidic phenolic water surge drums (D-706A/B), residual water surge drum (D-707), calcium chloride solution flash drum (D-710), spare calcium chloride solution flash drum (D-710A), calcium chloride surge tank (D-717), calcium chloride pump tank (D-718), tar decanter (D-719), and tar storage tank (D-720).
4. The following equipment is vented to the centrifuge slurry feed drum (D-505): second stage mother liquor drum (D-506), BPA to phenol plant surge drum (D-508), 2nd crystallization reslurry drum (D-510), and 2nd crystallization screen bowl centrifuges (F-501A/B).
5. VOC emissions (lb/hr and tpy) from this equipment are controlled. The VOC emissions include the emissions reductions due to the control device. These values represent those identified in previous application submittals (PTI 07-264, PTI 07-309). Individual equipment VOC (lb/hr and tpy) values are not independently enforceable in this permit.
6. VOC emissions (lb/hr and tpy) from this equipment are uncontrolled. These values represent the potential to emit and are identified in previous application submittals (PTI 07-264, PTI 07-309). Individual equipment VOC (lb/hr and tpy) values are not independently enforceable in this permit.
7. Compliance of the hydrochloric acid stripper column (T-201) shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Subpart NNN to demonstrate that VOC emissions are negligible (negligible flow rate).

1.b Emission Limitation:

Particulate emissions from the combined baghouse outlet (ST-401 stack) of the two baghouses (F-402 & F-602) shall not exceed 20.76 tons per year.

Applicable Compliance Method:

This emission limitation was determined by multiplying the allowable hourly emission limitation (4.74 pounds per hour) by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Since this hourly emission limitation is less stringent than the emission limitation established in Section A.V.1.d, compliance with the ton per year emission limitation shall be assumed provided compliance with the hourly emission limitation in Section A.V.1.d is maintained.

1.c Emission Limitation:

Visible particulate emissions from the combined baghouse outlet (ST-401 stack) of the two baghouses (F-402 & F-602) shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.d Emission Limitation:

Particulate emissions from the combined baghouse outlet (ST-401 stack) of the two baghouses (F-402 & F-602) shall not exceed 3.96 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5.

2. The permittee shall conduct, or have conducted, flow rate testing for the hydrochloric acid scrubber (T-702) in accordance with the following requirements:

a. The emissions testing shall be conducted within 12 months of permit expiration.

b. The emission testing shall be conducted to demonstrate negligible flow rate.

c. The following test method(s) shall be employed to demonstrate compliance with the flow rate requirement, Methods 1 through 4 of 40 CFR Part 60, Appendix A. Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

d. The test(s) shall be conducted while the emissions unit is operating at near its maximum capacity, unless otherwise specified or approved by the Portsmouth local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install # 07-309, issued on 12/9/92 and Permit to Install #07-264, as issued on 3/18/92: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: **BPA Process Unit (P003)**

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

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Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Aniline Process Unit (P004)

Activity Description: Aniline Process Unit

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
aniline and diphenylamine process unit with the following air pollution control devices: scrubber (E-21) scrubber (E-90) scrubber (E-111) process heater (B-10)	OAC rule 3745-31-05(A)(3) (PTI 07-449)	Particulate emissions from the process heater (B-10) shall not exceed 0.30 pound per hour and 1.31 tons per year. Sulfur dioxide emissions from the process heater (B-10) shall not exceed 0.01 pound per hour and 0.06 ton per year. Nitrogen oxides emissions from the process heater (B-10) shall not exceed 2.94 pounds per hour and 12.9 tons per year. Volatile organic compound emissions from the process heater (B-10) shall not exceed 0.59 pound per hour and 2.58 tons per year. Volatile organic compound emissions from all equipment except the process heater (B-10) and fugitive equipment leaks shall not

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	exceed 48.29 pounds per day and 8.81 tons per year. Ammonia emissions from all equipment except the process heater (B-10) and fugitive equipment leaks shall not exceed 7.88 pounds per day and 1.44 tons per year.
40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.I.2.a below and Attachments 1, 2, and 3.
40 CFR Part 60, Subpart NNN	See sections A.I.2.b through A.I.2.d below.
40 CFR Part 60, Subpart VV	See Part II, section A.I.
OAC rule 3745-21-09(DD)	See Part II, section A.I.
OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.020 pound per mmBtu of actual heat input.
OAC rule 3745-18-06	See section A.I.2.f below.
40 CFR Part 63, Subpart DDDDD	See Part II, section A.VIII and Attachment 4.
40 CFR Part 63, Subpart A	See section A.I.2.g below.

2. Additional Terms and Conditions

2.a In accordance with 40 CFR 63.113(a)(2), (a)(2)(i), & (a)(2)(ii) [see Attachment 2], for all Group 1 process vent streams, the emissions of total organic HAPs shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

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2.b The following distillation units and associated recovery equipment are subject to the provisions of 40 CFR 60, Subpart NNN but are required to comply only with 40 CFR Part 63, Subparts F and G [see Attachments 1 and 2] for Group 1 process vents:

E-60 Distillation Column
E-110 Distillation Column

2.c [40 CFR 60.662]
The equipment subject to 40 CFR Part 60, Subpart NNN with a TRE index of less than 8.0 and a flow rate greater than 0.008 standard cubic meters per minute shall comply with one of the following:

i. reduce the emissions of total organic compounds (TOC) by 98%, by weight, or to a concentration of 20 ppmv TOC, on a dry basis corrected to 3% oxygen;
ii. combust the emissions in a flare that meets the requirements of 40 CFR 60.18; or
iii. maintain a TRE index value greater than 1.0 without the use of VOC emission control devices.

2.d In accordance with 40 CFR Part 60.480(d)(3), the aniline process unit, which produces heavy liquid chemicals only from heavy liquid feed or raw materials, is exempt from the LDAR requirements of 60.482.

2.e In accordance with OAC rule 3745-21-09(DD)(17)(a)(ii), the aniline process unit, which produces heavy liquid chemicals only from heavy liquid feed or raw materials, is exempt from the LDAR requirements of OAC rule 3745-21-09(DD)(2) through (DD)(6).

2.f The process heater (B-10) is fueled with natural gas and process vent gas only and has no process weight rate as defined in OAC rule 3745-18-01(B)(13). Therefore, this equipment is exempt from the emission limitation established in OAC rule 3745-18-06(E).

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, section A.III, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants - General Provisions.

II. Operational Restrictions

1. In accordance with the permittee's permit application, the permittee is operating by routing the organic vapors from Group 1 process vents from the aniline process unit to the process heater (B-10) to comply with the percent reduction requirement or concentration limit specified in 40 CFR 63.113(a)(2), (a)(2)(i), & (a)(2)(ii) [see Attachment 2]. The vent stream shall be introduced into the flame zone of the process heater (B-10). The minimum firebox temperatures, each as a daily average, are listed below:

Operating Mode Minimum Daily Average Firebox Temperature

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	(degrees Fahrenheit)
Aniline Production & Regeneration	1444
Diphenylamine Production & Regeneration	1254
Co-Production of Aniline and Diphenylamine	1629

2. The pressure drop across the scrubber (E-21) shall be continuously maintained at a required level at all times while the aniline process unit is in operation.

   The scrubber (E-21) water flow rate shall be continuously maintained at a required level at all times while the aniline process unit is in operation.

   The required pressure drop and water flow rate levels will be determined by the permittee and reported to the Portsmouth local air agency within 6 months of recommencing operation of the aniline process unit.

3. The permittee shall burn only process vent gases and/or natural gas in the process heater (B-10).

4. Each surge control vessel or bottoms receiver tank which meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

   In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks , do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, these vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: F-110, F-10, F-42A, F-42B, and F-51.

III. Monitoring and/or Record keeping

1. The permittee shall maintain a statement listing the feed or raw materials and products from the aniline process unit and an analysis demonstrating these chemicals are heavy liquids in accordance with the requirements of 40 CFR 60.486(i)(2) and OAC rule 3745-21-09(DD)(14)(f)(ii).

2. The permittee shall maintain a temperature monitoring device, equipped with a continuous recorder, in the firebox of the process heater (B-10) in accordance with the requirements of 40 CFR 63.114(a) [see Attachment 2].

   The permittee shall maintain records of the process heater (B-10) firebox temperature in accordance with 40 CFR 63.118(a) [see Attachment 2].

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3. The permittee shall monitor any bypass line(s) that could divert a Group 1 process vent away from the process heater (B-10) in accordance with 40 CFR 63.114(d) [see Attachment 2]. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to 40 CFR 63.114(d) [see Attachment 2].

   a. Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3) [see Attachment 2]. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere; or

   b. Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

   The permittee shall maintain records of the flow indicator or monthly visual inspection requirements for bypass lines that could divert a Group 1 process vent away from the process heater (B-10) in accordance with 40 CFR 63.118(a)(3) and (a)(4) [see Attachment 2].

4. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration as necessary to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

   The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117 and 40 CFR 63.118(c) through (e) [see Attachment 2].

5. For each Group 2 storage vessel, the permittee shall comply with the record keeping requirements of 40 CFR 63.123(a) [see Attachment 2].

6. For each Group 2 process wastewater stream, the permittee shall comply with the record keeping requirements of 40 CFR 63.147 [see Attachment 2].

7. The permittee shall monitor the cooling water at the inlet and outlet of the aniline heat exchange system for the presence of aniline in accordance with 40 CFR 63.104(b), (d), and (e) [see Attachment 1]. On a quarterly basis, the permittee shall obtain three samples from the inlet and three samples from the outlet of the heat exchanger. The permittee shall analyze the samples in accordance with the methods and procedures of Method 625 of 40 CFR Part 136, Appendix A. The results of the analysis shall be evaluated as specified in 40 CFR 63.104(b)(6) [see Attachment 1].

   The permittee shall maintain heat exchange system records in accordance with 40 CFR 63.104(f)(1) [see Attachment 1].

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8. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105(a) [see Attachment 1].

9. For the scrubber (E-21), the permittee shall properly install, operate and maintain equipment to monitor and record the pressure drop across the scrubber and the scrubber water flow rate while the aniline process unit is in operation. The monitoring devices and recorder(s) shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions and/or operating manuals.

   The permittee shall collect and record the following information each day:

   a. the pressure drop across the scrubber, in inches of water;
   b. the scrubber water flow rate, in gallon per minute; and
   c. the downtimes for the capture (collection) system, control device, monitoring equipment, and the aniline process unit.

10. For each day during which the permittee burns a fuel other than process vent gases and/or natural gas in the process heater (B-10), the permittee shall maintain a record of the type and quantity of fuel burned.

11. The permittee shall perform pressure testing of the process heater (B-10) convection section once every calendar year.

    a. The pressure testing shall be performed in accordance with the following procedure:

       i. Install 1" thick slip blinds on the 14" headers.
       ii. Use a hose from the plant air header, bring test pressure to 50 psi, stop and hold for 5 minutes. Use a test gauge with a range of 300 psi.
       iii. Bring test pressure to equal air header pressure (approximately 100 psi). Disconnect hose. Inspect all flange connections for leaks using a soapy water solution.
       iv. Connect line from portable high pressure compressor to test point inlet.
       v. Raise pressure to 290 psi and hold for 5 minutes.
       vi. Drop pressure to 200 psi and inspect all flange connections using a soapy water solution.
       vii. De-pressure.
       viii. Remove test blinds and connect flanges for process use.

    b. A leak is detected when the pressure indicator drops more than 5% while holding pressure in step A.III.11.a.v above.

    c. When a leak is detected, it shall be repaired prior to the startup of the process unit.

    d. The permittee shall maintain the following records for each pressure test conducted:

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i. the date;
ii. the time and pressure at the beginning of each pressure test in section A.III.11.a.v above;
iii. the time and pressure at the end of each pressure test in section A.III.11.a.v above;
iv. whether or not a leak was detected;
v. corrective action to repair the leak; and
vi. information in A.III.11.d.i through A.III.11.d.v for pressure retest after the repair of a leak.

12. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR 61.356, 40 CFR 61.356(a), and 40 CFR 61.356(b) [see Part II, section A.IV.

13. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-449, issued on 9/10/97 and modified on 12/12/01: A.III.1 through A.III.12. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 40 CFR 63.118 [see Attachment 2] for process vents and all information specified in 40 CFR 63.146 [see Attachment 2] for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

2. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.10(d)(5) [see Part II, section A.III] and 40 CFR 63.152(d)(1) [see Attachment 2]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.152(c) [see Attachment 2] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

3. For each heat exchange system, the permittee shall comply with the reporting requirements of 40 CFR 63.104(f)(2) [see Attachment 1].

4. For the scrubber (E-21) , the permittee shall submit deviation (excursion) reports that identify all periods of time during which the following scrubber parameters were not maintained at or above the required levels:

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a. static pressure drop across the scrubber; and/or
b. the scrubber water flow rate.

5. The permittee shall submit reports of any fuels burned other than process vent gases and/or natural gas in the process heater (B-10) within thirty (30) days to the Portsmouth local air agency , including the date, type, and amount of any such fuel burned.

6. Whenever the recalculations (performed when process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine that one of the criteria below have been met, the permittee shall submit a report as specified in 40 CFR 63.118(g), (h), (i), and (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR Part 63, Subpart F [see Attachment 1].

   a. the recalculated TRE index value is less than or equal to 1.0;

   b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;

   c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or

   d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

7. The deviation (excursion) reports shall be submitted in accordance with the requirements of Part I - General Term and Condition A.1.c of this permit.

8. The permittee shall submit deviation (excursion) reports that identify the date when any leak was discovered in the process heater (B-10) convection section, the corrective action taken to repair the leak, the date of successful repair of the leak, and the results of the pressure test conducted after successful repair of the leak.

9. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR 61.357 [see Part II, section A.IV].

10. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(d) and (d)(1) [see Attachment 1].

11. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-449, issued on 9/10/97 and modified on 12/12/01: A.IV.1 through A.IV.10. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

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V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Particulate emissions from the process heater (B-10) shall not exceed 0.30 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.b Emission Limitation:

Particulate emissions from the process heater (B-10) shall not exceed 1.31 tons per year.

Applicable Compliance Method:

This emission limitation was developed by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.c Emission Limitation:

Sulfur dioxide emissions from the process heater (B-10) shall not exceed 0.01 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 6 or 6c.

1.d Emission Limitation:

Sulfur dioxide emissions from the process heater (B-10) shall not exceed 0.06 ton per year.

Applicable Compliance Method:

This emission limitation was developed by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per

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year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.e Emission Limitation:

Nitrogen oxides emissions from the process heater (B-10) shall not exceed 2.94 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 7 or 7e.

1.f Emission Limitation:

Nitrogen oxides emissions from the process heater (B-10) shall not exceed 12.9 tons per year.

Applicable Compliance Method:

This emission limitation was developed by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.g Emission Limitation:

Volatile organic compound emissions from the process heater (B-10) shall not exceed 0.59 pound per hour.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25 or 25A.

1.h Emission Limitation:

Volatile organic compound emissions from the process heater (B-10) shall not exceed 2.58 tons per year.

Applicable Compliance Method:

This emission limitation was developed by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

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1.i Emission Limitation:

Volatile organic compound emissions from all equipment except the process heater (B-10) and fugitive equipment leaks shall not exceed 48.29 pounds per day.

Volatile organic compound emissions from all equipment except the process heater (B-10) and fugitive equipment leaks shall not exceed 8.81 tons per year.

Ammonia emissions from all equipment except the process heater (B-10) and fugitive equipment leaks shall not exceed 7.88 pounds per day.

Ammonia emissions from all equipment except the process heater (B-10) and fugitive equipment leaks shall not exceed 1.44 tons per year.

Applicable Compliance Method:

The volatile organic compound emissions (potential to emit) from the following equipment as listed in the following table shall be summed. The ammonia emissions (potential to emit) from the following equipment as listed in the following table shall be summed.

If required , compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25 or 25A or EPA CTM-027.

Equipment ID	Equipment Description	Egress Point	Control Device	VOC (lb/day)	VOC (tpy)	Ammonia (lb/day)	Ammonia (tpy)	Notes
F-10	Phenol feed tank	PN01	None	24.47	4.47	0	0	2
E-21	Scrubber	PN02	E-21 Scrubber	0.06	0.01	7.88	1.44	13
E-90	Scrubber	PN03	E-90 Scrubber	<0.01	<0.01	<0.01	<0.01	1
F-42A	Aniline rundown tank	PN04	None	3.91	0.71	0	0	2
F-42B	Aniline rundown tank	PN05	None	3.91	0.71	0	0	2
F-52	Caustic tank	PN06	None	0	0	0	0	2
F-54A	DPA day tank	PN07	None	4.11	0.75	0	0	2
F-54B	DPA day tank	PN08	None	4.11	0.75	0	0	2

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F-51	Waste sump	PN09	None	0.23	0.04	0	0	2
J-10	Compressor oil storage tank	PN11	None	0.02	0	0	0	2
A-92	Pad water holding sump	PN12	None	0.09	0.02	0	0	2

1. VOC and ammonia emissions (lb/day and tpy) from this equipment are controlled. The VOC and ammonia emissions values listed are the controlled potentials to emit, which includes the emissions reductions to the control device, the use of which is federally enforceable.
2. VOC and ammonia emissions (lb/day and tpy) from this equipment are uncontrolled. The VOC and ammonia emissions values listed are the potentials to emit from each piece of equipment.
3. If required, in accordance with OAC rule 3745-15-04, emissions from the scrubber (E-21) will be determined in accordance with the requirements specified in EPA CTM-027.

1.j Emission Limitation:

Visible particulate emissions from process heater (B-10) stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.k Emission Limitation:

The emissions of total organic HAP from Group 1 process vents shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

Applicable Compliance Method:

The concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the process heater (B-10)) shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25, or 25A. 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.

1.l Emission Limitation:

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Particulate emissions from the process heater (B-10) shall not exceed 0.020 pound per mmBtu of actual heat input.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

2. The permittee shall conduct, or have conducted, emission testing for the process heater (B-10) in accordance with the following requirements:

   a. The emission testing shall be within 12 months of recommencing operation.

   b. The emission testing shall be conducted to demonstrate compliance with the allowable emission rate for VOC and the HAP concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the process heater).

   c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): U. S. EPA Methods 1 through 4 and 18, 25, or 25A of 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   d. 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 Portsmouth local air agency. The test shall be performed while this flexible operation chemical manufacturing process unit is producing the primary product as required by 40 CFR 63.103(b)(6) [see Attachment 1].

   e. If required, 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 OAC rule 3745-21-10. 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.

   Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

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Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-449, issued on 9/10/97 and modified on 12/04/01: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Facility Name: **Sunoco Inc (R&M)**
Facility ID: **07-73-00-0080**

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: AMS Hydrogenation Process Unit (P006)

Activity Description: AMS Hydrogenation Process Unit

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
alphamethylstyrene hydrogenation process unit with the following air pollution control devices: condenser (3516-C)	OAC rule 3745-31-05(A)(3) (PTI 07-451)	Volatile organic compound emissions from all equipment except fugitive equipment leaks shall not exceed 16.71 pounds per day and 3.05 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and Attachments 1, 2, and 3.
	40 CFR Part 60, Subpart VV	See Part II, section A.I.
	OAC rule 3745-21-09(DD)	See Part II, section A.I.

2. Additional Terms and Conditions

None

II. Operational Restrictions

1. The average temperature of the liquid ammonia coolant in the condenser (3516-C), on a daily basis, shall not be greater than 41 degrees Fahrenheit.

2. Each surge control vessel or bottoms receiver tank which meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a

control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks , do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, these vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: 3510-F.

III. Monitoring and/or Record keeping

1. The permittee shall operate and maintain a continuous temperature monitor and recorder which measures and records the temperature of the liquid ammonia coolant in the condenser (3516-C) at least once every 15 minutes when the AMS Hydrogenation process unit is in operation. The equipment used to monitor temperature must have a minimum accuracy of (a) +/- 1 percent of the temperature being monitored expressed in degrees Celsius (^{o}C) or (b) +/ 0.5 degrees (^{o}C), whichever is greater. The temperature monitor and recorder shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instructions and operating manuals.

   The permittee shall collect and record the following information each day the AMS Hydrogenation process unit is in operation:

   a. the average temperature of the liquid ammonia coolant in the condenser (3516-C) on a daily calendar basis; and

   b. a log or record of downtimes for the capture (collection) system, control device, monitoring equipment, and the AMS Hydrogenation process unit.

2. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration as necessary to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

   The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117 and 40 CFR 63.118(c), (d), and (e) [see Attachment 2].

3. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105(a) [see Attachment 1].

4. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR 61.356 [see Part II, section A.IV].

5. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-451, issued on 2/8/98 and modified on 7/27/04: A.III.1 through A.III.4. The monitoring and record keeping requirements contained in the

above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit quarterly temperature deviation (excursion) reports that identify all periods during which the average temperature of the liquid ammonia coolant in the condenser (3516-C) on a daily calendar basis exceeded the temperature limitation specified above.

2. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 40 CFR 63.118 [see Attachment 2] for process vents and all information specified in 40 CFR 63.146 [see Attachment 2] for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

3. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.10(d)(5) [see Part II, section A.III] and 40 CFR 63.152(d)(1) [see Attachment 2]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.152(c) [see Attachment 2] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

4. Whenever the recalculations (performed when process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine that one of the criteria below has been met, the permittee shall submit a report as specified in 40 CFR 63.118(g), (h), (i), and (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR Part 63, Subpart F [see Attachment 1].

   a. the recalculated TRE index value is less than or equal to 1.0;
   b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;
   c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or
   d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

5. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR 61.357 [see Part II, section A.IV].

6. The deviation reports shall be submitted in accordance with the requirements specified in Part I - General Term and Condition A.1.c of this permit.

7. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(d) and (d)(1) [see Attachment 1].

8. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-451, issued on 2/8/98 and modified on 7/27/04: A.IV.1 through A.IV.7. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emissions limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods.

1.a Emission Limitation:

Volatile organic compound emissions from all equipment except fugitive equipment leaks shall not exceed 16.71 pounds per day.

Volatile organic compound emissions from all equipment except fugitive equipment leaks shall not exceed 3.05 tons per year.

Applicable Compliance Method:

The volatile organic compound emissions (potential to emit) from the following equipment as listed below shall be summed.

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25, or 25A.

Equipment ID	Equipment Description	Egress Point	Control Device	VOC (lb/day)	VOC (tpy)	Notes
3512-F	Hydrogenation product drum	AH01	3516-C Condenser	16.71	3.05	1

1. VOC emissions (lb/hr and tpy) from this equipment are controlled. The VOC emissions include the emissions reductions due to the control device. These values represent the potential to emit and are identified in previous application submittals (PTI 07-00451). Individual equipment VOC (lb/hr and tpy) values are not independently enforceable in this permit.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-451, issued on 2/8/98 and modified on 7/27/04: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

Emissions Unit: **AMS Hydrogenation Process Unit (P006)**

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Phenol II Process Unit (P007)

Activity Description: Phenol II Process Unit

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
phenol II process unit with the following air pollution control devices: condenser (3301-C), scrubber (3310-E), thermal oxidizer (2007-L), and regenerative thermal oxidizer (RTO)	OAC rule 3745-31-05(A)(3) (PTI 07-00500)	Total volatile organic compound emissions (including acetone) from all equipment except for the thermal oxidizer (2007-L), regenerative thermal oxidizer (RTO) and fugitive equipment leaks shall not exceed 208.43 pounds per day and 38.04 tons per year, as a 12-month rolling summation. Total particulate emissions from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer, shall not exceed 0.5 pound per hour and 2.19 tons per year. Total nitrogen oxides emissions from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer, shall not exceed 7.50 pounds per hour and 32.85 tons per year. Total sulfur dioxide emissions from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer, shall not exceed 0.1 pound

	per hour and shall be less than 1 ton per year. Total carbon monoxide emissions from the thermal oxidizer (2007-L), for all equipment vented to the thermal oxidizer,shall not exceed 8.24 pounds per hour and 36.07 tons per year. Total particulate emissions from the regenerative thermal oxidizer (RTO), for all equipment vented to the regenerative thermal oxidizer, shall not exceed 0.68 pound per hour and 3.0 tons per year. Total nitrogen oxides emissions from the regenerative thermal oxidizer (RTO), for all equipment vented to the regenerative thermal oxidizer, shall not exceed 1.66 pounds per hour and 7.25 tons per year. Total carbon monoxide emissions from the regenerative thermal oxidizer (RTO), for all equipment vented to the regenerative thermal oxidizer, shall not exceed 7.56 pounds per hour and 33.11 tons per year. The requirements of this rule also include compliance with the requirements of OAC rule 3745-31-10 through OAC rule 3745-31-20, and 40 CFR Part 63, Subparts F, G, and H, 40 CFR Part 60, Subpart VV and NNN, 40 CFR Part 61, Subpart FF, and OAC rule 3745-21-09(DD).
OAC rule 3745-31-10 through OAC rule 3745-31-20	Total volatile organic compound emissions (including acetone) from the thermal oxidizer (2007-L), for all equipment vented to the thermal

	oxidizer serving emissions units P001 and P007, shall not exceed 6.11 pounds per hour and 26.77 tons per year, as a 12-month rolling summation. Total volatile organic compound emissions (including acetone) from all modified equipment, [including egress points P201 (including primary cumene stripper 3202-E jet condenser system (3204-L)), P216, and P219] except for the thermal oxidizer (2007-L), regenerative thermal oxidizer (RTO) and fugitive equipment leaks shall not exceed 3.59 pounds per day and 0.66 ton per year, as a 12-month rolling summation. Total volatile organic compound emissions (including acetone) from the regenerative thermal oxidizer (RTO) shall not exceed 6.11 pounds per hour and 26.77 tons per year, as a 12-month rolling summation. See section A.I.2.a below.
40 CFR Part 63, Subpart A	See Part II, section A.III.
40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and sections A.I.2.b and A.I.2.c below and Attachments 1, 2, and 3.
40 CFR Part 60, Subpart NNN	See sections A.I.2.d through A.I.2.g below and Part II, section A.II.
40 CFR Part 61, Subpart FF	See sections A.III.19 and A.IV.10 below and Part II, section A.IV.
40 CFR Part 60, Subpart VV	See Part II, section A.I.
OAC rule 3745-21-09(DD)	See Part II, section A.I.
OAC rule 3745-18-06(E)	See section A.I.2.h below.

OAC rule 3745-21-08(B)	See section A.I.2.l below.
OAC rule 3745-23-06(B)	See section A.I.2.m below.

2. Additional Terms and Conditions

2.a This prevention of significant deterioration (PSD) best available control technology (BACT) determination requires volatile organic compound emissions that are vented to the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) to be reduced by not less than 99%, by weight. The VOC emissions from the following modified equipment shall be vented to the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO): the crude acetone column reflux drum (3304-F) and the acetone topping column reflux drum (3307-F).

The VOC emissions from the following modified equipment is uncontrolled: primary cumene stripper 3202-E jet condenser system (3204-L), hydrocarbon removal column 3305-E reflux drum (3318-F) and cleavage reactor 3202-DR jet condenser system (3207-L).

The PSD BACT determinations for the process vent emissions from the hydrocarbon removal system (3305-E), the primary cumene stripper (3202-E), and the cleavage reactor (3202-DR) requires maintaining existing operating conditions and does not require add on controls.

The PSD BACT determination for fugitive emissions from the Phenol II process unit requires compliance with the leak detection and repair program required by 40 CR Part 63, Subpart H [see Attachment 3].

2.b In accordance with 40 CFR 63.113(a)(2) [see Attachment 2], for all Group 1 process vent streams, the emissions of total organic HAPs shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen.

The VOC emissions from the following equipment is uncontrolled: preflash separator 3209-F jet condenser system (3203-LR), primary cumene stripper 3202-E jet condenser system (3204-L), secondary cumene stripper 3203-E jet condenser system (3205-L), CHP drain vessel (3214-F), pre-secondary cumene stripper 3227-E jet condenser system (3227-L), crude acetone column 3301-E preheater wash tank (3343-F), phenol rundown tanks (3321-FA and 3321-FB), neutralizer drain vessel (3226-F), phenol drain tank (3330-F), phenol finishing column 3304-E jet condenser system (3320-F), hydrocarbon removal column 3305-E reflux drum (3318-F), acetone finishing column 3303-E jet condenser system (3302-L), crude phenol column 3304-E jet condenser system (3303-L), and cleavage reactor 3202-DR jet condenser system (3207-L).

The VOC emissions from the following equipment shall be vented to the 3301-C condenser: neutralizer tank (3217-F), acid wash drum (3218-F), fractionation feed tank (3301-F), phenolic water tank (3303-F).

The VOC emissions from the acetone rundown tanks (3312-FA and 3312-FB) shall be equipped with an internal floating roof.

The VOC emissions from the crude acetone column 3301-E bottoms surge tank shall be controlled by the 3310-E scrubber.

2.c In accordance with 40 CFR 63.172(b) [see Attachment 3], the scrubber (3310-E) shall be designed and operated to recover the organic hazardous air pollutant emissions or volatile organic compounds emissions vented to it with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume, whichever is less stringent.

2.d The requirements of 40 CFR Part 60, Subpart NNN apply to the following distillation units and associated recovery equipment within the Phenol II process unit:

Egress Point	Distillation Column (equipment number)
P201	Pre-Secondary Cumene Stripper (3227-E)
UT09	Crude Acetone Column (3301-E)
P215	Phenol Finishing Column (3307-E)
P216	Hydrocarbon Removal Column (3305-E)
P217	Acetone Finishing Column (3303-E) and Acetone Stripper (3309-E)
P218	Crude Phenol Column (3304-E)
P201	Secondary Cumene Stripper (3203-E)
P201	Primary Cumene Stripper (3202-E)
P201	Preflash Separator Drum (3209-F)
UT09	Acetone Topping Column (3302-E)

2.e [40 CFR 60.660(c)(4)]
The equipment subject to 40 CFR Part 60, NNN which have a total resource effectiveness (TRE) index value of greater than 8.0 are exempt from the requirements of 40 CFR Part 60, Subpart NNN except for the requirements specified in 60.662, 60.664(d), 60.664(e), and 60.664(f), 60.665(h), and 60.665(l). In accordance with the permittees's permit application, the following distillation columns have a TRE index value greater than 8.0: 3227-E, 3304-E, and 3305-E.

2.f [40 CFR 60.660(c)(6)]
The equipment subject to 40 CFR Part 60, Subpart NNN which have vent stream flow rate less than 0.008 standard cubic meters per minute (scm/min) are exempt from the requirements of 40 CFR Part 60 Subpart NNN except for the requirements specified in 60.664(g) and 60.665(i), 60.665(l)(5), and 60.665(o). At the time of permit issuance, the following distillation columns have a flow rate less than 0.008 standard cubic meters per minute: 3307-E, 3303-E, 3202-E, 3209-F, and 3203-E.

2.g [40 CFR 60.662]
The equipment subject to 40 CFR Part 60, Subpart NNN which have a TRE index of less than 8.0 and a flow rate greater than 0.008 standard cubic meters per minute shall comply with one of the following:

i. Reduce the emissions of total organic compounds (TOC) by 98% by weight or to a concentration of 20 ppmv TOC, on a dry basis corrected to 3% oxygen;

ii. Combust the emissions in a flare that meets the requirements of 40 CFR 60.18; or

iii. Maintain a TRE index value greater than 1.0 without the use of VOC emission control devices.

2.h The thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) is fueled with natural gas and process vent gas only and has no process weight as defined in OAC rule 3745-18-01(B)(13). Therefore, this equipment is exempt from the emissions limitation established in OAC rule 3745-18-06(E).

2.i There are no uncontrolled particulate emissions from the Phenol II process unit; therefore, OAC rules 3745-17-07(A) and 3745-17-11 are not applicable to the Phenol II process unit.

2.j The crude acetone columns bottom surge tank (3302-F) is a bottoms receiver tank with a capacity of 640.5 cubic meters, containing material with a maximum true organic HAP vapor pressure of 11.17 psia at operating temperature, and the organic vapors vented from the tank are not vented back to the process. Therefore, the bottoms receiver tank shall be vented to a control device that complies with the requirements in 40 CFR 63.172 [see Attachment 3].

In accordance with the permittee's permit application, the permittee is operating by routing the organic vapors from the bottoms receiver tank to a scrubber (3310-E). Whenever organic HAP emissions are vented to a closed-vent system or control device used to comply with 40 CFR Part 63 Subpart H [see Attachment 3], such system or control device shall be operating. The scrubber (3310-E) shall be designed and operated to recover the organic hazardous air pollutant emissions or volatile organic compound emissions vented to it with an efficiency of 95% or greater, or to an exit concentration of 20 ppmv, whichever is less stringent.

2.k Each surge control vessel or bottoms receiver tank which meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks, do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, the following vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: 3214-F, 3342-F, 3343-F, 3217-F, 3218-F, 3301-F, 3303-F, 3321-FA, 3321-FB, 3226-F, and 3330-F.

2.l 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 07-00500.

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.m 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 07-00500.

II. Operational Restrictions

1. The average temperature of the liquid ammonia coolant in the condenser (3301-C), on a daily calendar basis, shall not be greater than 41 degrees Fahrenheit.

2. The scrubber (3310-E) water flow rate shall be continuously maintained at a value of not less than 6 gallons per minute while the Phenol II process unit is in operation.

3. In accordance with the permittee's permit application, the permittee is operating by routing the Group 1 process vents from the Phenol II process unit to a thermal oxidizer (2007-L) and/or regenerative thermal oxidizer (RTO) in order to comply with the percent reduction requirement or concentration limit specified in 40 CFR 63.113(a)(2) [see Attachment 2]. The minimum firebox temperature of the thermal oxidizer (2007-L) shall be 1,450 degrees Fahrenheit (788 degrees Celsius) as a daily average. The minimum firebox temperature of the regenerative thermal oxidizer (RTO) shall be established during the initial emissions testing required in section A.V.2.

4. The permittee shall burn only process vent gases and/or natural gas in the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO).

5. The Phenol II Hub and the CHP Hub shall be equipped with tightly fitting solid covers in accordance with 40 CFR 63.149 [see Attachment 2].

III. Monitoring and/or Record keeping

1. The permittee shall operate and maintain a continuous temperature monitor and recorder which measures and records the temperature of the liquid ammonia coolant in the condenser (3301-C) at least once every 15 minutes when the Phenol II process unit is in operation. The equipment used to monitor temperature must have a minimum accuracy of (a) +/- 1 percent of the temperature being monitored expressed in degrees Celsius (ºC) or (b) +/- 0.5 degrees (ºC), whichever is greater. The temperature monitor and recorder shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instruction, and operating manuals.

   The permittee shall collect and record the following information each day the Phenol II process unit is in operation:

   a. the average temperature of the liquid ammonia coolant in the condenser (3301-C) on a daily calendar basis; and

   b. a log or record of downtimes for the capture (collection) system, control device, monitoring equipment, and the Phenol II process unit.

2. The permittee shall monitor the closed vent system which routes the organic vapors from the crude acetone columns bottom surge tank (3302-F) to the scrubber (3310-E) in accordance with 40 CFR 63.172(f) through 63.172(l) [see Attachment 3].

   The permittee shall monitor the scrubber (3310-E) to ensure that it is operated and maintained in conformance with its design as required by 40 CFR 63.172(e) [see Attachment 3]. The permittee shall properly install, operate and maintain equipment to monitor and record the scrubber water flow rate for the scrubber (3310-E) while the Phenol II process unit is in operation. The monitoring devices and recorder(s) shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instructions and operating manuals.

   The permittee shall collect and record the following information once per day:

   a. the scrubber water flow rate, in gallons per minute; and

   b. a log or record of operating time for the capture (collection) system, control device, monitoring equipment, and the Phenol II process unit.

3. The permittee shall maintain a temperature monitoring device, equipped with a continuous recorder, in the firebox of the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) in accordance with the requirements of 40 CFR 63.114(a) [see Attachment 2].

   The permittee shall maintain records of the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) firebox temperature in accordance with 40 CFR 63.118(a) [see Attachment 2].

4. The permittee shall monitor any bypass line(s) that could divert a Group 1 process vent away from the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) in accordance with 40 CFR 63.114(d) [see Attachment 2]. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to 40 CFR 63.114(d) [see Attachment 2].

   a. Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3) [see Attachment 2]. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere; or

   b. Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

   The permittee shall maintain records of the flow indicator or monthly visual inspection requirements for bypass lines that could divert a Group 1 process vent away from the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) in accordance with 40 CFR 63.118(a)(3) & (4) [see Attachment 2].

5. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration as necessary to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

   The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117, 63.118(c), (d), and (e) [see Attachment 2].

6. For each Group 2 storage vessel, the permittee shall comply with the record keeping requirements of 40 CFR 63.123(a) [see Attachment 2].

7. For each Group 2 process wastewater stream, the permittee shall comply with the record keeping requirements of 40 CFR 63.147 [see Attachment 2].

8. The permittee shall monitor the cooling water at the inlet and outlet of the Phenol II heat exchange system for the presence of cumene in accordance with 40 CFR 63.104(b), (d) and (e) [see Attachment 1]. On a quarterly basis, the permittee shall obtain three samples from the inlet and three samples from the outlet of the heat exchanger. The permittee shall analyze the samples in accordance with the methods and procedures of Method 624 of 40 CFR Part 136, Appendix A. The results of the analysis shall be evaluated as specified in 40 CFR 63.104(b) [see Attachment 1].

   The permittee shall maintain heat exchange system records in accordance with 40 CFR 63.104(f)(1) [see Attachment 1].

9. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105 [see Attachment 1].

10. [40 CFR 60.664(d)]
The net heating value of the gas combusted for determining the process vent stream TRE index value to determine compliance under 40 CFR 60.662(c) shall be determined in accordance with the equations and procedures in 40 CFR 60.664(d).

11. [40 CFR 60.664(e)]
For purposes of complying with 40 CFR 60.662(c), the permittee shall determine the TRE index value by calculating values using both the incinerator equation in 40 CFR 60.664(e)(1) and the flare equation in 40 CFR 60.664(e)(2) and selecting the lower of the two values.

12. [40 CFR 60.663(a)]
The permittee uses a thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO) to comply with the TOC emission limit specified under 60.662(a) for two distillation columns with TRE index values less than 1.0 (or assumed to be less than 1.0): 3301-E and 3302-E. For these two distillation columns, the permittee shall comply only with the monitoring, testing, record keeping, and reporting of 40 CFR 63 Subpart G for Group 1 process vents in accordance with procedures for regulatory overlap in 40 CFR 63.110(d) [see Attachment 2].

13. [40 CFR 60.664(f)]
The permittee seeking to comply with 40 CFR 60.660(c)(4) or 40 CFR 60.662(c) shall recalculate the TRE index value for that affected facility whenever process changes are made. Examples of process changes include changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. The TRE index value shall be recalculated based on test data, or on best engineering estimates of the effects of the change to the recovery system.

    a. Where the recalculated TRE index value is less than or equal to 1.0, the permittee shall notify the Administrator, with a copy to the Portsmouth local air agency, within 1 week of the recalculation and shall conduct a performance test according to the methods and procedures required by 40 CFR 60.664 in order to determine compliance with 40 CFR 60.662(a). Performance tests must be conducted as soon as possible after the process change but no later than 180 days from the time of the process change.

    b. Where the initial TRE index value is greater than 8.0 and the recalculated TRE index value is less than or equal to 8.0 but greater than 1.0, the permittee shall conduct a performance test in accordance with 40 CFR 60.8 and 40 CFR 60.664 and shall comply with 40 CFR 60.663, 60.664 and 60.665. Performance tests must be conducted as soon as possible after the process change but no later than 180 days from the time of the process change.

14. [40 CFR 60.663(d)]

For distillation columns complying with the TRE index value limit specified under 40 CFR 60.662(c) of greater than or equal to 1.0, the permittee shall install, calibrate, maintain, and operate according to manufacturer's specifications the equipment specified in 40 CFR 60.663(d).

15. [40 CFR 60.665(h)]
The permittee shall maintain the following records for each piece of equipment complying with 40 CFR 60.662(c):

    a. any changes in production capacity feedstock type, catalyst type, or of any replacement, removal, or addition of recovery equipment or a distillation unit;
    b. any recalculation of the TRE performed pursuant to 40 CFR 60.664(f); and
    c. the results of any performance test performed pursuant to 40 CFR 60.664(d).

16. [40 CFR 60.664(g)]
The permittee shall use Method 2, 2A, 2C, or 2D, 40 CFR Part 60, Appendix A for determination of the flow rate to demonstrate compliance with 40 CFR 60.660(c)(6).

17. [40 CFR 60.665(i)]
The permittee shall maintain the following records for each piece of equipment complying with 40 CFR 60.660(c)(6):

    a. that the vent stream flow rate is less than 0.008 scm/min; and
    b. any change in equipment or process operation that increases the vent stream flow rate including a measurement of the new vent stream flow rate.

18. For each day during which the permittee burns a fuel other than process vent gases and/or natural gas in the thermal oxidizer (2007-L) and/or the regenerative thermal oxidizer (RTO), the permittee shall maintain a record of the type and quantity of fuel burned.

19. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR Part 61.356 and section A.IV of Part II - Facility Specific Terms and Conditions.

20. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.III.1 through A.III.19. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit quarterly temperature deviation (excursion) reports that identify all periods during which the average temperature of the liquid ammonia coolant in the condenser (3301-C) on a daily calendar average exceeded the temperature limitation specified above.

2. The permittee shall submit quarterly deviation (excursion) reports that identify all periods of time during which the scrubber (3310-E) water flow rate was not maintained at or above the required levels.

3. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 63.118 for process vents, all information specified in 40 CFR 63.146 for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

4. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.152(d)(1) [see Attachment 2] and 40 CFR 63.10(d)(5) [see Part II, section A.III]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.152(c) [see Attachment 2] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

5. Whenever the recalculations (performed whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine one of the criteria below have been met, the permittee shall submit a report as specified in 40 CFR 63.118 (g) through (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR 63.100 [see Attachment 1].

   a. the recalculated TRE index value is less than or equal to 1.0;
   b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;
   c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or
   d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

6. For each heat exchange system, the permittee shall comply with the reporting requirements of 40 CFR 63.104(f)(2) [see Attachment 1].

7. The permittee shall submit the information required in 40 CFR 60.665(b)(4) when demonstrating compliance with the TRE index value of greater than 1.0 option of 40 CFR 60.662(c).

8. [40 CFR 60.665(l)]
   The permittee shall submit semiannual reports of the following recorded information:

   a. Any change in equipment or process operation that increases the operating vent stream flow rate above the low flow exemption level in 40 CFR 60.660(c)(6), including a measurement of the new vent stream flow rate, as recorded under 40 CFR 60.665(i). These must be reported as soon as possible after the change and no later than 180 days after the change. These reports may be submitted either in conjunction with semiannual reports or as a single separate report. A performance test must be completed with the same time period to verify the recalculated flow value and to obtain the vent stream characteristics of heating value and ETOC. The performance test is subject to the requirements of 40 CFR

60.8. Unless the facility qualifies for an exemption under the low capacity exemption status in 40 CFR 60.660(c)(5), the facility must begin compliance with the requirements set forth in 40 CFR 60.662.

b. Any recalculation of the TRE index value, as recorded under 40 CFR 60.665(h).

9. The permittee shall submit reports of any fuels burned in the thermal oxidizer (2007-L) and/or regenerative thermal oxidizer (RTO) other than process vent gases and/or natural gas within 30 days to the Portsmouth local air agency, including the date, type, and amount of any such fuel burned.

10. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR Part 61.357 and section A.IV of Part II - Facility Specific Terms and Conditions.

11. The deviation (excursion) reports shall be submitted in accordance with the requirements specified in Part I - General Terms and Conditions A.1.c of this permit.

12. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(c) [see Attachment 1].

13. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent or more stringent than the reporting requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.IV.I through A.IV.12. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

VOC emissions (including acetone) from all equipment except for the thermal oxidizer (2007-L), and/or regenerative thermal oxidizer (RTO) and fugitive equipment leaks shall not exceed 208.43 pounds per day.

VOC emissions (including acetone) from all equipment except for the thermal oxidizer (2007-L), and/or regenerative thermal oxidizer (RTO) and fugitive equipment leaks shall not exceed 38.04 tons per year, as a 12-month rolling summation.

VOC emissions (including acetone) from all modified equipment [including egress points P201 (including primary cumene stripper 3202-E jet condenser system (3204-L)), P216 and P219]

except for the thermal oxidizer (2007-L) and/or regenerative thermal oxidizer (RTO) and fugitive equipment leaks shall not exceed 3.59 pounds per day.

VOC emissions (including acetone) from all modified equipment (including egress points P201 (including primary cumene stripper 3202-E jet condenser system (3204-L)), P216 and P219) except for the thermal oxidizer (2007-L) and/or regenerative thermal oxidizer (RTO) and fugitive equipment leaks shall not exceed 0.66 ton per year, as a 12-month rolling summation.

Applicable Compliance Method:

The VOC and acetone emissions (potential to emit) from the equipment listed below shall be summed. Compliance with the annual emission limitation shall be determined by multiplying the hourly emission rate by the actual hours of operation per month and the conversion factor of ton/2000 lbs, to arrive at the tons per month emissions. The monthly emissions shall be added to the previous 11 months emissions to determine the rolling 12-months total emissions.

If required , compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25 or 25A.

Equipment ID	Equipment Description	Egress Point	Control Device	VOC (lb/day)	VOC (tpy)	Acetone (lb/day)	Acetone (tpy)	Notes
3203-LR	Preflash separator 3209-F jet condenser system	P201	None	0.05	0.01	0	0	2
3204-L	Primary cumene stripper 3202-E jet condenser system	P201	None	<0.01	<0.01	0	0	2
3205-L	Secondary cumene stripper 3203-E jet condenser system	P201	None	0.02	<0.01	0	0	2
3214-F	CHP drain vessel	P201	None	1.73	0.32	0	0	2
3227-L	Pre-secondary cumene stripper 3227-E jet condenser system	P201	None	0.06	0.01	0	0	2
3342-F	Caustic dilution tank	P202	None	0	0	0	0	2

Emissions Unit: **Phenol II Process Unit (P007)**

3343-F	Crude acetone column 3301-E preheater wash tank	P203	None	<0.01	<0.01	0.01	<0.01	2
3217-F	Neutralizer tank	P204	3301-C Condenser	0.04	0.01	2.12	0.39	1
3218-F	Acid wash drum	P204	3301-C Condenser	0.04	0.01	2.3	0.42	1
3301-F	Fractionation feed tank	P204	3301-C Condenser	0.66	0.12	37.26	6.8	1
3303-F	Phenolic water tank	P204	3301-C Condenser	<0.01	<0.01	<0.01	<0.01	1
3321-FA	Phenol rundown tank	P205	None	40.63	7.42	0	0	2
3321-FB	Phenol rundown tank	P206	None	40.63	7.42	0	0	2
3312-FA	Acetone rundown tank	P207	Internal floating roof	0	0	35.71	6.52	1
3312-FB	Acetone rundown tank	P208	Internal floating roof	0	0	35.71	6.52	1
3302-F	Crude acetone column 3301-E bottoms surge tank	P209	3310-E Scrubber	7.44	1.36	0	0	1
3226-F	Neutralizer drain vessel	P210	None	<0.01	<0.01	0.01	<0.01	2
3330-F	Phenol drain tank	P214	None	<0.01	<0.01	0.01	<0.01	2
3320-F	Phenol finishing column 3304-E jet condenser system	P215	None	0.12	0.02	0	0	2
3318-F	Hydrocarbon removal column 3305-E reflux drum	P216	None	2.12	0.39	0.98	0.18	2
3302-L	Acetone finishing column 3303-E jet condenser system	P217	None	<0.01	<0.01	<0.01	<0.01	2

3303-L	Crude phenol column 3304-E jet condenser system	P218	None	0.3	0.05	0.01	<0.01	2
3207-L	Cleavage reactor 3202-DR jet condenser system	P219	None	0.01	<0.01	0.48	0.09	2

1. VOC and acetone emissions (lb/day and tpy) from this equipment are controlled. The VOC emissions include the emissions reductions due to the control device. These values represent the controlled potentials to emit and are identified in previous application submittals (PTI 07-500). Individual equipment VOC and acetone (lb/day and tpy) values are not independently enforceable in this permit.

2. VOC and acetone emissions (lb/day and tpy) from this equipment are uncontrolled. These values represent the potential to emit and are identified in previous application submittals (PTI 07-500). Individual equipment VOC and acetone (lb/day and tpy) values are not independently enforceable in this permit.

1.b Emission Limitation:

Total particulate emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 0.5 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.c Emission Limitation:

Total particulate emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 2.19 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.d Emission Limitation:

Total nitrogen oxides emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 7.50 pounds per hour.

Applicable Compliance Method:

If required , compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 7 or 7e.

1.e Emission Limitation:

Total nitrogen oxides emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 32.85 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.f Emission Limitation:

Total sulfur dioxide emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 0.1 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 6 or 6c.

1.g Emission Limitation:

Total sulfur dioxide emissions from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall be less than 1 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.h Emission Limitation:

Total particulate emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 0.68 pound per hour.

Applicable Compliance Method:

If required , compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.i Emission Limitation:

Total particulate emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 3.0 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.j Emission Limitation:

Total nitrogen oxides emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 1.66 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 7 or 7e.

1.k Emission Limitation:

Total nitrogen oxides emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 7.25 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.l Emission Limitation:

Total carbon monoxide emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 7.56 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 10.

1.m Emission Limitation:

Total carbon monoxide emissions from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 33.11 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.n Emission Limitation:

Total volatile organic compound emissions (including acetone) from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 6.11 pounds per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25 or 25A.

1.o Emission Limitation:

Total volatile organic compound emissions (including acetone) from the thermal oxidizer (2007-L), of all equipment vented to the thermal oxidizer, shall not exceed 26.77 tons per year, as a 12-month rolling summation.

Applicable Compliance Method:

Compliance with the annual emission limitation shall be determined by multiplying the hourly emission rate by the actual hours of operation per month and then dividing by 2000 pounds per ton, to arrive at the tons per month emissions. The monthly emissions shall be added to the previous 11 months emissions to determine the rolling 12-months total emissions.

1.p Emission Limitation:

Total volatile organic compound emissions (including acetone) from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 6.11 pounds per hour.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25 or 25A.

1.q Emission Limitation:

Total volatile organic compound emissions (including acetone) from the regenerative thermal oxidizer (RTO), of all equipment vented to the regenerative thermal oxidizer, shall not exceed 26.77 tons per year, as a 12-month rolling summation.

Applicable Compliance Method:

Compliance with the annual emission limitation shall be determined by multiplying the hourly emission rate by the actual hours of operation per month and then dividing by 2000 pounds per ton, to arrive at the tons per month emissions. The monthly emissions shall be added to the previous 11 months emissions to determine the rolling 12-months total emissions.

1.r Emission Limitation:

The emissions of total organic HAP from Group 1 process vents shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

Applicable Compliance Method:

The concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the regenerative thermal oxidizer (RTO) or if required, the thermal oxidizer (2007-L), shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25 or 25A. 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.

2. The permittee shall conduct, or have conducted, emission testing for the regenerative thermal oxidizer (RTO) in accordance with the following requirements:

a. The emission testing shall be conducted within 24 months of permit issuance

b. The emission testing shall be conducted to demonstrate compliance with the allowable emission rate for VOC and the HAP concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the regenerative thermal oxidizer).

c. The following test methods shall be employed to demonstrate compliance with the allowable mass emission rates: U. S. EPA Methods 1 through 4, and 18, 25 or 25A, 40

CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

d. 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 Portsmouth local air agency.

e. If required, 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 OAC rule 3745-21-10. 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.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: **Phenol II Process Unit (P007)**

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Phenol I Process Unit (P008)

Activity Description: Phenol I Process Unit

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
phenol I process unit with the following air pollution control devices: condenser (217-C) condenser (301-C) condenser (301-CA) condenser (311-C) condenser (351-C) condenser (363-C) condenser (365-C) scrubber (310-L) process heater (305-LA)	OAC rule 3745-31-05(A)(3) (PTI 07-00240)	Total sulfur dioxide emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.01 pound per hour and 0.03 ton per year. Total volatile organic compound emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 1.89 pounds per hour and 8.29 tons per year. The requirements of this rule also include compliance with the requirements of 40 CFR Part 63, Subpart VV, 40 CFR Part 60, Subpart NNN, 40 CFR Part 63, Subparts F, G, and H, OAC rules 3745-17-07(A), 3745-17-10(B)(1), 3745-17-10(C)(1), and 3745-21-09(DD).
	40 CFR Part 63, Subpart F, G,and H	See Part II, section A.I and section A.I.2.a below and Attachments 1, 2, and 3.

40 CFR Part 60, Subpart NNN	See section A.I.2.b through A.I.2.e below.
40 CFR Part 60, Subpart VV	See Part II, section A.I.
OAC rule 3745-21-09(DD)	See Part II, section A.I.
OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
OAC rule 3745-17-10(B)(1)	Total particulate emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.020 pound per million Btu of actual heat input.
OAC rule 3745-18-06	See section A.I.2.f below.
40 CFR Part 63, Subpart DDDDD	See Part II, section A.VIII and Attachment 4.
40 CFR Part 63, Subpart A	See section A.I.2.g below.

2. Additional Terms and Conditions

2.a In accordance with 40 CFR 63.113(a)(2), (a)(2)(i), and (a)(2)(ii) [see Attachment 2], for all Group 1 process vent streams, the emissions of total organic HAPs shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

2.b The requirements of 40 CFR Part 60, Subpart NNN apply to the following distillation units and associated recovery equipment within the Phenol I process unit:

Egress Point	Distillation Column (equipment number)
P140	Secondary Cumene Stripper (203-E)

2.c [40 CFR 60.660(c)(6)]
The equipment subject to 40 CFR Part 60, Subpart NNN that have a vent stream flow rate less than 0.008 standard cubic meter per minute are exempt from the requirements of 40 CFR Part 60, Subpart NNN except for the requirements specified in 60.664(g) and

60.665(i), 60.665(l)(5), and 60.665(o). In accordance with the permittee's permit application, the following distillation column has a flow rate less than 0.008 standard cubic meter per minute: 203-E.

2.d [40 CFR 60.660(c)(4)]
The equipment subject to 40 CFR Part 60, NNN that have a total resource effectiveness (TRE) index value of greater than 8.0 are exempt from the requirements of 40 CFR Part 60, Subpart NNN except for the requirements specified in 60.662, 60.664(d), 60.664(e), and 60.664(f), 60.665(h), and 60.665(l). In accordance with the permittee's permit application, the following distillation columns have a TRE index value greater than 8.0: none.

2.e [40 CFR 60.662]
The equipment subject to 40 CFR Part 60, Subpart NNN with a TRE index of less than 8.0 and a flow rate greater than 0.008 standard cubic meter per minute shall comply with one of the following:

i. reduce the emissions of total organic compounds (TOC) by 98%, by weight, or to a concentration of 20 ppmv TOC, on a dry basis corrected to 3% oxygen;
ii. combust the emissions in a flare that meets the requirements of 40 CFR 60.18; or
iii. maintain a TRE index value greater than 1.0 without the use of VOC emission control devices.

2.f The process heater (305-LA) is fueled with natural gas and process vent gas only and has no process weight as defined in OAC rule 3745-18-01(B)(13). Therefore, this equipment is exempt from the emission limitation established in OAC rule 3745-18-06(E).

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, section A.III, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants - General Provisions.

II. Operational Restrictions

1. Each surge control vessel or bottoms receiver tank that meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks, do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, these vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: 323-F, 303-F, 317-FR, 213-F, 214-F, 217-F, 301-FA, 308-F, 321-FA, 321-FB, 350-FR, 330-F, 342-F, 227-F, and 310-LF.

2. In accordance with the permittee's permit application, the permittee is operating by routing the organic vapors from Group 1 process vents from the Phenol I process unit to a process heater (305-LA) in order to comply with the percent reduction requirement or concentration limit specified in 40 CFR 63.113(a)(2), (a)(2)(i), and (a)(2)(ii) [see Attachment 2]. The minimum firebox temperature of the process heater (305-LA) shall be 1,170 degrees Fahrenheit calculated on a daily average.

3. The permittee shall burn only process vent gases and/or natural gas in the process heater (305-LA).

4. The CHP Hub shall be equipped with tightly fitting solid covers in accordance with 40 CFR 63.149 [see Attachment 2].

III. Monitoring and/or Record keeping

1. The permittee shall maintain a temperature monitoring device, equipped with a continuous recorder, in the firebox of the process heater (305-LA) in accordance with the requirements of 40 CFR 63.114(a) [see Attachment 2].

   The permittee shall maintain records of the process heater (305-LA) firebox temperature in accordance with 40 CFR 63.118(a) [see Attachment 2].

2. The permittee shall monitor any bypass line(s) that could divert a Group 1 process vent away from the process heater (305-LA) in accordance with 40 CFR 63.114(d) [see Attachment 2]. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to 40 CFR 63.114(d) [see Attachment 2].

   a. Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3) [see Attachment 2]. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere; or

   b. Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

   The permittee shall maintain records of the flow indicator or monthly visual inspection requirements for bypass lines that could divert a Group 1 process vent away from the heater (305-LA) in accordance with 40 CFR 63.118(a)(3) and (a)(4) [see Attachment 2].

3. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration as necessary to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117 and 40 CFR 63.118(c), (d), and (e) [see Attachment 2].

4. For each Group 2 storage vessel, the permittee shall comply with the record keeping requirements of 40 CFR 63.123(a) [see Attachment 2].

5. For each Group 2 process wastewater stream, the permittee shall comply with the record keeping requirements of 40 CFR 63.147 [see Attachment 2].

6. The permittee shall monitor the cooling water at the inlet and outlet of the Phenol I heat exchange system for the presence of phenol and cumene in accordance with 40 CFR 63.104(b), (d), and (e) [see Attachment 1]. On a quarterly basis, the permittee shall obtain three samples from the inlet and three samples from the outlet of the heat exchanger. The permittee shall analyze the samples in accordance with the methods and procedures of Method 624 and 625 of 40 CFR Part 136, Appendix A. The results of the analysis shall be evaluated as specified in 40 CFR 63.104(b) [see Attachment 1].

   The permittee shall maintain heat exchange system records in accordance with 40 CFR 63.104(f)(1) [see Attachment 1].

7. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105(a) [see Attachment 1].

8. [40 CFR 60.664(g)]
   The permittee shall use Method 2, 2A, 2C, or 2D, 40 CFR Part 60, Appendix A for determination of the flow rate to demonstrate compliance with 40 CFR 60.660(c)(6).

9. [40 CFR 60.665(i)]
   The permittee shall maintain the following records for each piece of equipment complying with 40 CFR 60.660(c)(6):

   a. that the vent stream flow rate is less than 0.008 standard cubic meter per minute; and
   b. any change in equipment or process operation that increases the vent stream flow rate including a measurement of the new vent stream flow rate.

10. For each day during which the permittee burns a fuel other than process vent gases and/or natural gas in the process heater (305-LA), the permittee shall maintain a record of the type and quantity of fuel burned.

11. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR 61.356 [see Part II, section A.IV].

12. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-240, issued on 12/4/91 and modified on 8/28/01: A.III.1 through A.III.11. The monitoring and record keeping requirements contained in the

above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 40 CFR 63.118 [see Attachment 2] for process vents, and all information specified in 40 CFR 63.146 [see Attachment 2] for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

2. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.10(d)(5) [see Part II, section A.III] and 40 CFR 63.152(d)(1) [see Attachment 2]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.181(c) [see Attachment 3] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

3. Whenever the recalculations (performed whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine one of the criteria below has been met, the permittee shall submit a report as specified in 40 CFR 63.118(g), (h), (i), and (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR Part 63, Subpart F [see Attachment 1].

   a. the recalculated TRE index value is less than or equal to 1.0;
   b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;
   c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or
   d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

4. For each heat exchange system, the permittee shall comply with the reporting requirements of 40 CFR 63.104(f)(2) [see Attachment 1].

5. The permittee shall submit reports of any fuels burned in the process heater (305-LA) other than process vent gases and/or natural gas within thirty (30) days to the Portsmouth local air agency, including the date, type, and amount of any such fuel burned.

6. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR 61.357 [see Part II, section A.IV].

7. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(d) and (d)(1) [see Attachment 1].

8. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 8/28/01: A.IV.1 through A.IV.7. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

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

1.a Emission Limitation:

Total sulfur dioxide emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.01 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 6 or 6c.

1.b Emission Limitation:

Total sulfur dioxide emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.03 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.c Emission Limitation:

Total volatile organic compound emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 1.89 pounds per hour.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25, or 25A.

1.d Emission Limitation:

Total volatile organic compound emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 8.29 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.e Emission Limitation:

Visible particulate emissions from the process heater (305-LA) stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.f Emission Limitation:

Total particulate emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.020 pound per mmBtu of actual heat input.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.g Emission Limitation:

The emissions of total organic HAP from Group 1 process vents shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

Applicable Compliance Method:

The concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the process heater (305-LA)) shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Method 1 through 4, and 18, 25, or 25A. 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.

2. The permittee shall conduct, or have conducted, emission testing for the process heater (305-LA) in accordance with the following requirements:

   a. The emission testing shall be conducted within 12 months of permit issuance.

   b. The emission testing shall be conducted to demonstrate compliance with the allowable emission rate for VOC and the HAP concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the process heater).

   c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): U. S. EPA Methods 1 through 4, and 18, 25, or 25A of 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   d. 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 Portsmouth local air agency.

   e. If required, 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 OAC rule 3745-21-10. 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.

   Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

   Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-240, issued on 12/4/91 and modified on 8/28/01: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: **Phenol I Process Unit (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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Phenol WWT (P009)

Activity Description: Phenol Waste Water Treatment

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
phenol wastewater treatment plant with the following air pollution control devices: condenser (2473-C) process heater (305-LA)	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions from all equipment except the process heater (305-LA) and fugitive equipment leaks, shall not exceed 192.47 pounds per day and 35.13 tons per year. Acetone emissions from all equipment except the process heater (305-D) and fugitive equipment leaks, shall not exceed 23.72 pounds per day and 4.33 tons per year. Ammonia emissions from all equipment except the process heater (305-D) and fugitive equipment leaks, shall not exceed 185.32 pounds per day and 33.82 tons per year. Total volatile organic compound emissions from the process heater (305-LA), for all equipment vented to the process heater, shall not exceed 1.89 pounds per hour and 8.29 tons per year.

	Total sulfur dioxide emissions from the process heater (305-LA), for all equipment vented to the process heater, shall not exceed 0.01 pound per hour and 0.03 ton per year. The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A) and 3745-17-10(B)(1).
40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I. and sections A.I.2.a through A.I.2.d below and Attachments 1, 2, and 3.
40 CFR Part 60, Subpart VV	See Part II, section A.I.
40 CFR Part 60, Subpart Kb	See section A.I.2.e below.
OAC rule 3745-17-07(A)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
OAC rule 3745-17-10(B)(1)	Total particulate emissions from the process heater (305-LA), for all equipment vented to the process heater, shall not exceed 0.020 pound per mmBtu of actual heat input.
40 CFR Part 63, Subpart DDDDD	See Part II, section A.VIII and Attachment 4.
40 CFR Part 63, Subpart A	See section A.I.2.f below.

2. Additional Terms and Conditions

2.a The permittee shall achieve the Required Mass Removal (RMR) as specified in 40 CFR 63.138(f) [see Attachment 2] for Group 1 wastewater streams.

2.b For each wastewater tank that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the permittee shall comply with the

requirements of either 40 CFR 63.133(a)(1) or (a)(2) [see Attachment 2] as specified in 40 CFR 63.133(a).

i. In accordance with the permittee's permit application and 40 CFR 63.133(a)(1) [see Attachment 2], the following wastewater tanks shall be equipped with a fixed roof:

wastewater collection tank (401-F)
MHP feed surge tank (2470-F)
wastewater holding tank (2426-F)
wastewater holding tank (2427-F)
neutralization sump (2427-A)
wastewater holding tank (2428-F)

ii. In accordance with the permittee's permit application and 40 CFR 63.133(a)(2) [see Attachment 2], the following wastewater tanks shall be equipped with a fixed roof and a closed vent system which routes the hazardous air pollutant vapors vented from the tank to a control device:

methyl hydroperoxide destruction reactor (2472-D) vented to a process heater (305-LA)

2.c At the time of permit issuance, the permittee does not use surface impoundments, containers or oil-water separators to receive, manage, or treat Group 1 wastewater. If at any time the permittee uses a surface impoundment, container or an oil-water separator to receive, manage, or treat a Group 1 wastewater, the permittee shall comply with the requirements for surface impoundments, containers and oil-water separators as specified in 40 CFR 63.134, 40 CFR 63.135 and 40 CFR 63.137 [see Attachment 2], except as provided in 40 CFR 63.132(a)(2) and 40 CFR 63.138(a) [see Attachment 2].

2.d The permittee shall comply with the applicable requirements for individual drain systems as specified in 40 CFR 63.136 [see Attachment 2], except as provided in 40 CFR 63.132(a)(2) and 40 CFR 63.138(a) [see Attachment 2].

2.e The wastewater tanks are subject to the provisions of 40 CFR 60, Subpart Kb but are required to comply only with the requirements of 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3].

2.f Refer to Part II - Specific Facility Terms and Conditions of this permit, section A.III, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants - General Provisions.

II. Operational Restrictions

1. In accordance with the permittee's permit application, the permittee is operating by treating the Group 1 wastewater streams in the enhanced biological treatment system (2600-D). The permittee has elected to monitor the chemical oxygen demand (COD) of the biological treatment system to fulfill the requirements of 40 CFR 63.143(c) [see Attachment 2]. The COD of the biological treatment system shall not exceed 200 ppm as a daily average.

2. In accordance with the permittee's permit application, the permittee is operating by routing the hazardous organic air pollutant vapors from the methyl hydroperoxide destruction reactor (2472-D) to the process heater (305-LA).

   The minimum firebox temperature of the process heater (305-LA) shall be 1,170 degrees Fahrenheit calculated on a daily average . Whenever organic HAP emissions are vented to the process heater (305-LA), the process heater shall be operating. The vent stream shall be introduced into the flame zone of the process heater.

   The process heater (305-LA) shall meet the conditions specified below and in 40 CFR 63.139(c)(1) [see Attachment 2].

   a. reduce the total organic compound emissions, less methane and ethane, or total organic HAPs emissions vented to the control device by 95 percent, by weight, or greater; or
   b. achieve an outlet total organic compound concentration, less methane and ethane, or total organic HAPs concentration of 20 ppmv on a dry basis corrected to 3% oxygen; or
   c. provide a minimum residence time of 0.5 second at a minimum temperature of 760 degrees Celsius.

III. Monitoring and/or Record keeping

1. On a daily basis the permittee shall collect a sample from side A and a sample from side B of the biological treatment unit (2600-D). Each sample shall be analyzed for the COD in accordance with the reactor digestion method of Hach Method 8000 (Hach Handbook of Water Analysis, 1979, Hach Chemical Company, P.O. Box 389, Loveland, CO 80537). The permittee shall maintain daily records of the COD value for side A and for side B of the biological treatment unit (2600-D).

2. The permittee shall maintain a temperature monitoring device, equipped with a continuous recorder, in the firebox of the process heater (305-LA) in accordance with the requirements of 40 CFR 63.143(e)(4) [see Attachment 2].

   The permittee shall maintain records of the process heater (305-LA) firebox temperature in accordance with 40 CFR 63.147(d) [see Attachment 2].

3. The permittee shall perform semiannual visual inspections of the wastewater tanks that receive, manage, or treat a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, in accordance with 40 CFR 63.143(a) [see Attachment 2].

Records of the wastewater tank inspections shall be maintained in accordance with 40 CFR 63.147 [see Attachment 2].

4. For individual drain systems used to receive, manage, or treat Group 1 wastewater, the permittee shall comply with the monitoring requirements of 40 CFR 63.143(a) [see Attachment 2].

   The permittee shall maintain records of the individual drain system inspections in accordance with 40 CFR 63.147 [see Attachment 2].

5. The permittee shall monitor any bypass line(s) that could divert a vent stream from the methyl hydroperoxide destruction reactor (2472-D) away from the process heater (305-LA) in accordance with 40 CFR Part 63, Subpart G, Table 13 [see Attachment 2].

   a. Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR Part 63, Subpart G, Table 13 [see Attachment 2]. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere; or

   b. Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

      The permittee shall maintain records of the flow indicator or monthly visual inspection requirements for bypass lines that could divert a vent stream from the methyl hydroperoxide destruction reactor (2472-D) away from the process heater (305-LA) in accordance with 40 CFR 63.147 [see Attachment 2].

6. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105(a) [see Attachment 1].

7. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR 61.356 [see Part II, section IV].

8. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-451, issued on 2/8/98 modified on 7/27/04: A.III.1 through A.III.7. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 40 CFR 63.118 [see Attachment 2] for process vents and all information specified in 40 CFR 63.146 [see Attachment 2] for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

2. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.10(d)(5) [see Part II, section A.III] and 40 CFR 63.152(d)(1) [see Attachment 2]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.152(c) [see Attachment 2] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

3. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR 61.357 [see Part II, section A.IV].

4. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(d) & (d)(1) [see Attachment 1].

5. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-451, issued on 2/8/98 and modified on 7/27/04: A.IV.1 through A.IV.4. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitation:

Volatile organic compound emissions from all equipment except the process heater (305-LA) and fugitive equipment leaks shall not exceed 192.47 pounds per day.

Volatile organic compound emissions from all equipment except the process heater (305-LA) and fugitive equipment leaks shall not exceed 35.13 tons per year.

Acetone emissions from all equipment except the process heater (305-LA) and fugitive equipment leaks shall not exceed 23.72 pounds per day.

Acetone emissions from all equipment except the process heater (305-LA) and fugitive equipment leaks shall not exceed 4.33 tons per year.

Ammonia emissions from all equipment except the process heater (305-LA) and fugitive equipment leaks shall not exceed 185.32 pounds per day.

Ammonia emissions from all equipment except the process heater (305-LA) and fugitive equipment leaks shall not exceed 33.82 tons per year.

Applicable Compliance Method:

The volatile organic compound emissions (the potential to emit) from the equipment listed in the following table shall be summed. The acetone emissions (the potential to emit) from the equipment listed in the following table shall be summed. The ammonia emissions (the potential to emit) from the equipment listed in the following table shall be summed.

If required , compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25 or 25A or EPA CTM-027.

Equipment ID	Equipment Description	Egress Point	Control Device	VOC (lb/day)	VOC (tpy)	Acetone (lb/day)	Acetone (tpy)	NH3 (lb/day)	NH3 (tpy)	Notes
2421-A	Oily waste sump	WP01	None	0.19	0	0.2	0.04	0	0	2
2426-F	**Wastewater holding tank**	**WP02**	**None**	**<0.01**	**<0.01**	**<0.01**	**<0.01**	**<0.01**	**<0.01**	2
2427-F	**Wastewater holding tank**	WP03	None	45.28	8.26	9.66	1.76	0	0	2
2428-F	**Wastewater holding tank**	WP04	None	24.16	4.41	7.39	1.35	0	0	2
2402-L	Coalescer	WP05	None	0.04	0	0.01	<0.01	0	0	2
2421-F	Waste oil decanter tank	WP05	None	0.16	0	0.03	0.01	0	0	2
2427-A	Neutralization sump	WP06	None	23	4.2	4.9	0.89	0	0	2
2428-A	Wastewater sump	WP11	None	0.13	0	<0.01	<0.01	0	0	2

Emissions Unit: **Phenol WWT (P009)**

2489-F	Waste oil decanter tank	WP13	None	0.38	0.1	0.31	0.06	0	0	2
2490-F	Wastewater tank	WP13	None	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	2
2600-D	Biological treatment unit	WP14	None	82.86	15.1	1.21	0.22	0.44	0.08	2
401-F	Process wastewater collection tank	WP15	None	3.6	0.66	0	0	0	0	2
2470-F	MHP feed surge tank	WP16	2473-C Condenser			0	0	0	0	1
2439-F	Storm water tank	WP50	None	2.27	0.41	0	0	18.55	3.39	2
2440-F	Storm water tank	WP51	None	0.7	0.13	0	0	69.86	12.75	2
2441-F	Storm water tank	WP52	None	3.45	0.63	0	0	96.44	17.6	2
2242-F	Storm water tank	WP53	None	3.81	0.7	0	0	0	0	2
2201-A	Storm water diversion sump	WP54	None	2.44	0.45	0	0	0	0	2

1. VOC, acetone, and ammonia emissions (lb/day and tpy) from this equipment are controlled. The VOC, acetone, and ammonia emissions include the emissions reductions due to the control device. These values represent the controlled potentials to emit and are identified in previous application submittals (PTI 07-00451). Individual equipment VOC, acetone, and ammonia (lb/day and tpy) values are not independently enforceable in this permit.
2. VOC, acetone, and ammonia emissions (lb/day and tpy) from this equipment are uncontrolled. These values represent the potentials to emit and are identified in previous application submittals (PTI 07-00451). Individual equipment VOC, acetone, and ammonia (lb/day and tpy) values are not independently enforceable in this permit.

1.b Emission Limitation:

Total particulate emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.020 pound per mmBtu of actual heat input.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 5 and the procedures and methods required in OAC rule 3745-17-03(B)(9).

1.c Emission Limitation:

Total volatile organic compound emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 1.89 pounds per hour.

Applicable Compliance Method:

Compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25, or 25A.

1.d Emission Limitation:

Total volatile organic compound emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 8.29 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.e Emission Limitation:

Total sulfur dioxide emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.01 pound per hour.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 6 or 6c.

1.f Emission Limitation:

Total sulfur dioxide emissions from the process heater (305-LA), of all equipment vented to the process heater, shall not exceed 0.03 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable hourly emission limitation by 8,760 hours per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the hourly emission limitation is maintained.

1.g Emission Limitation:

Visible particulate emissions from the process heater (305-LA) stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Method 9 and the procedures and methods required in OAC rule 3745-17-03(B)(1).

1.h Emission Limitation:

Reduce the total organic compound emissions, less methane and ethane, or total organic HAPs emissions vented from the methyl hydroperoxide destruction reactor (2472-D) to the process heater (305-LA) by 95 percent, by weight, or greater; or

Achieve total organic compound concentration, less methane and ethane, or total organic HAPs concentration of 20 ppmv on a dry basis corrected to 3% oxygen at the outlet of the process heater (305-LA).

Applicable Compliance Method:

In accordance with 40 CFR 63.145(i) [see Attachment 2], the concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the process heater (305-LA)) shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Method 1 through 4, and 18, 25, or 25A. 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.

1.i Emission Limitation:

The permittee shall achieve the Required Mass Removal (RMR) of Table 9 compounds for Group 1 wastewater streams.

Applicable Compliance Method:

If required, the permittee shall demonstrate that the actual mass removal (AMR) is greater than or equal to the RMR. The RMR and AMR shall be calculated in accordance with the equations and procedures in 40 CFR 63.145(f) [see Attachment 2].

2. The permittee shall conduct, or have conducted, emission testing for the process heater (305-LA) in accordance with the following requirements:

   a. The emission testing shall be conducted within 12 months of permit issuance.

   b. The emission testing shall be conducted to demonstrate compliance with the allowable emission rate for VOC and the HAP concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the process heater).

   c. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): U. S. EPA Methods 1 through 4, and 18, 25, or 25A, 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   d. 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 Portsmouth local air agency.

   e. If required, 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 OAC rule 3745-21-10. 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.

   Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

   Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 2/8/98 and modified on 7/27/04: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: **Phenol WWT (P009)**

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Phenol III Process Unit (P012)

Activity Description: Phenol III Process Unit

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
phenol III process unit with the following air pollution control devices: condenser (4251-C) condenser (4711-C) condenser (4712-C) scrubber (4710-E) catalytic oxidizer (4230-L)	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions from the catalytic oxidizer (4230-L) shall not exceed 69.26 pounds per day and 12.64 tons per year. Acetone emissions from the catalytic oxidizer (4230-L) shall not exceed 4.93 pounds per day and 0.90 ton per year. Nitrogen oxides emissions from the catalytic oxidizer (4230-L) shall not exceed 41.32 pounds per day and 7.54 tons per year. Acetone emissions from the acetone rundown tanks (4312-FA and 4312-FB) shall not exceed 4.32 tons per year. Negligible emissions of particulate, particulate less than ten microns and sulfur dioxide from the catalytic oxidizer (4230-L).

40 CFR 52.21 and OAC rule 3745-31-11 through 3745-31-20 (BACT Limit)	See section A.I.2.a below. Volatile organic compound emissions shall be reduced by 99%.
40 CFR Part 63, Subpart A	See Part II, section A.III.
40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and sections A.I.2.a and A.I.2.b below and Attachments 1, 2, and 3.
40 CFR Part 60, Subpart NNN	See section A.I.2.c below.
40 CFR Part 60, Subpart III	See section A.I.2.d below.
40 CFR Part 60, Subpart Kb	See section A.I.2.e below.
40 CFR Part 60, Subpart VV	See Part II, section A.I.
OAC rule 3745-21-09(DD)	See Part II, section A.I.
OAC rule 3745-21-09(EE)	See sections A.I.2.f and A.I.2.g below.
OAC rule 3745-18-06	See section A.I.2.h below.

2. Additional Terms and Conditions

2.a In accordance with 40 CFR 63.113(a)(2), (a)(2)(i), and (a)(2)(ii) [see Attachment 2], for all Group 1 process vent streams, the emissions of total organic HAPs shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

2.b For each wastewater tank that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the permittee shall comply with the requirements of either 40 CFR 63.133(a)(1) or (a)(2) [see Attachment 2] as specified in 40 CFR 63.133(a) [see Attachment 2].

i. In accordance with the permittees's permit application and 40 CFR 63.133(a)(1) [see Attachment 2], the following wastewater tank shall be equipped with a fixed roof:

Dephenolization Purge Drum (4630-F).

ii. In accordance with the permittees's permit application and 40 CFR 63.133(a)(2) [see Attachment 2], the following wastewater tank shall be equipped with a fixed roof and a closed vent system which routes the hazardous air pollutant vapors vented from the tank to a control device:

MHP Decomposer (4272-D) vented to a catalytic oxidizer (4230-L).

2.c The following distillation units and associated recovery equipment are subject to the provisions of 40 CFR Part 60, Subpart NNN but are required to comply only with 40 CFR Part 63, Subparts F and G [see Attachments 1 and 2] for Group 1 process vents:

Egress Point	Distillation Column (equipment number)
P301	Primary Cumene Stripper (4202-E)
P301	Secondary Cumene Stripper (4203-E)
P301	Crude Acetone Column (4301-E)
P301	Acetone Product Column (4302-E)
P301	Crude Phenol Column (4304-E)
P301	Hydrocarbon Removal Column (4305-E)
P301	Phenol Finishing Column (4307-E)

2.d The following equipment is subject to the provisions of 40 CFR 60, Subpart III but are required to comply only with the terms and conditions of 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3]:

Air oxidation reactor train and its combined vent stream (4201-DA, 4201-DB, 4201-DC) Oxidation Process Surge Drum (4208-F)

2.e The Group 2 storage vessels within this process unit are subject to the provisions of 40 CFR Part 60, Subpart Kb but are required to comply only with 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3].

2.f [OAC rule 3745-21-09(EE)(1)]
Except where exempted under OAC rule 3745-21-09(EE)(2), the permittee shall vent process vent streams from air oxidation processes, producing a chemical listed in Appendix A of OAC rule 3745-21-09, to a combustion device which:

i. reduces the VOC emissions vented to it with an efficiency of at least 98 percent, by weight; or
ii. emits a VOC concentration less than 20 ppm by volume, dry basis.

2.g [OAC rule 3745-21-09(EE)(2)(b)]
Any process vent stream or combination of process vent streams which maintain a TRE of value greater than 1.0 shall be exempt from the requirements of OAC rule 3745-21-09(EE)(1). If an air oxidation process has more than one process vent stream, the

TRE shall be based upon a combination of the process vent streams. The TRE shall be calculated in accordance with OAC rule 3745-21-09(EE)(3).

2.h The catalytic oxidizer (4230-L) is fueled with natural gas and process vent gas only and has no process weight as defined in OAC rule 3745-18-01(B)(13). Therefore, this equipment is exempt from the emissions limitation established in OAC rule 3745-18-06(E).

2.i There are no uncontrolled particulate emissions from the Phenol III process unit; therefore, OAC rules 3745-17-07(A) and 3745-17-11 are not applicable to the Phenol III process unit.

II. Operational Restrictions

1. In accordance with the permittee's permit application, the permittee is operating by routing the organic vapors from Group 1 process vents from the Phenol III process unit to a catalytic oxidizer (4230-L) in order to comply with the percent reduction requirement or concentration limit specified in 40 CFR 63.113(a)(2), (a)(2)(i), and (a)(2)(ii) [see Attachment 2].

   In accordance with the permittee's permit application, the pernittee is operating by routing the hazardous organic air pollutant vapors from the MHP Decomposer (4272-D) to the catalytic oxidizer (4230-L) in order to comply with the percent reduction requirement, concentration limit, or residence time requirement specified in 40 CFR 63.139(c)(1) [see Attachment 2].

   The minimum temperature of gases at the inlet of the catalyst bed shall be 752 degrees Fahrenheit (400 degrees Celsius) calculated on a daily average.

   The minimum temperature difference of the gases across the catalyst bed shall be 49 degrees Fahrenheit (9.44 degrees Celsius) calculated on a daily average.

2. The permittee shall burn only process vent gases and/or natural gas in the catalytic oxidizer (4230-L).

3. The Phenol III Hub and the CHP Hub shall be equipped with tightly fitting solid covers in accordance with 40 CFR 63.149 [see Attachment 2].

4. The crude AMS surge tank (4505-F) is a surge control vessel with a capacity of 868.8 cubic meters, containing material with a maximum true organic HAP vapor pressure of 0.225 psia at operating temperature, and the organic vapors vented from the vessel are not vented back to the process. Therefore, the surge control vessel shall be vented to a control device that complies with the requirements in 40 CFR 63.172 [see Attachment 3].

   In accordance with the permittee's permit application, the permittee is operating by routing the organic vapors from the surge control vessel (4505-F) to the catalytic oxidizer (4230-L). Whenever organic HAP emissions are vented to a closed-vent system or control device used to

comply with 40 CFR Part 63, Subpart H [see Attachment 3], such system or control device shall be operating.

The catalytic oxidizer (4230-L) shall be designed and operated to reduce the organic HAP emissions or volatile organic compound emissions vented to it with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume on a dry basis corrected to 3 percent oxygen, whichever is less stringent, or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 degrees Celsius.

5. Each surge control vessel or bottoms receiver tank which meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

   In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, these vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: 4202-F, 4213-F, 4214-F, 4301-F, 4330-F, 4337-F, 4338-F, 4339-F, 4342-F, 4373-F, 4620-F, 4640-F, 4640-F, and 4721-F.

III. Monitoring and/or Record keeping

1. The permittee shall perform semiannual visual inspections of the wastewater tanks that receive, manage, or treat a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream in accordance with 40 CFR 63.143(a) [see Attachment 2]. Records of the wastewater tank inspections shall be maintained in accordance with 40 CFR 63.147 [see Attachment 2].

2. The permittee shall monitor the closed vent system which routes the organic vapors from the crude AMS surge control vessel (4505-F) to the catalytic oxidizer (4230-L) in accordance with 40 CFR 63.172(f), 40 CFR 63.172(h), (h)(1), & (h)(2), 40 CFR 63.172(i), 40 CFR 63.172(j), 40 CFR 63.172(k), and 40 CFR 63.172(l), (l)(1), & (l)(2) [see Attachment 3].

   The permittee shall monitor the catalytic oxidizer (4230-L) to ensure that it is operated and maintained in conformance with its design as required by 40 CFR 63.172(e) [see Attachment 3].

3. The permittee shall maintain temperature monitoring devices, equipped with continuous recorders, immediately before and after the catalyst bed of the catalytic oxidizer (4230-L) in accordance with the requirements of 40 CFR 63.114(a) and 40 CFR 63.143(e) [see Attachment 2].

   The permittee shall maintain records of the temperature immediately prior to the catalyst bed, immediately after the catalyst bed, and the temperature difference across the catalyst bed in accordance with 40 CFR 63.118(a) [see Attachment 2].

4. The permittee shall monitor any bypass line(s) that could divert a Group 1 process vent or vent stream away from the MHP Destructor (4272-D) away from the catalytic oxidizer (4230-L) in

accordance with 40 CFR 63.114(d) and 40 CFR 63.143(e) [see Attachment 2]. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to 40 CFR 63.114(d) [see Attachment 2].

a. Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3) and 40 CFR Part 63, Subpart G, Table 13 [see Attachment 2]. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere; or

b. Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

The permittee shall maintain records of the flow indicator or monthly visual inspection requirements for bypass lines that could divert a Group 1 process vent or vent stream from the MHP Destructor (4272-D) away from the catalytic oxidizer (4230-L) in accordance with 40 CFR 63.118(a)(3), 40 CFR 63.118(a)(4) and 40 CFR 63.147 [see Attachment 2].

5. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration, as necessary, to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

   The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117, 40 CFR 63.118(c), 40 CFR 63.118(d), and 40 CFR 63.118(e) [see Attachment 2].

6. For each Group 2 storage vessel, the permittee shall comply with the record keeping requirements of 40 CFR 63.123(a) [see Attachment 2].

7. For each Group 1 process wastewater stream, the permittee shall comply with the requirements of 40 CFR 63.132 through 40 CFR 63.149 [see Attachment 2].

8. For each Group 2 process wastewater stream, the permittee shall comply with the record keeping requirements of 40 CFR 63.147 [see Attachment 2].

9. The permittee shall monitor the cooling water at the inlet and outlet of the Phenol III heat exchange system for the presence of cumene and phenol in accordance with 40 CFR 63.104(b), 40 CFR 63.104(d), and 40 CFR 63.104(e) [see Attachment 1]. On a quarterly basis, the permittee shall obtain three samples from the inlet and three samples from the outlet of the heat exchanger. The permittee shall analyze the samples in accordance with the methods and procedures of Method 624 and 625 of 40 CFR Part 136, Appendix A. The results of the analysis shall be evaluated as specified in 40 CFR 63.104(b)(6) [see Attachment 1].

The permittee shall maintain heat exchange system records in accordance with 40 CFR 63.104(f)(1) [see Attachment 1].

10. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105(a) [see Attachment 1].

11. For each day during which the permittee burns a fuel other than process vent gases and/or natural gas in the catalytic oxidizer (4230-L), the permittee shall maintain a record of the type and quantity of fuel burned.

12. [OAC rule 3745-21-09(EE)(3)(a)]
The total resource effectiveness value for an air oxidation process shall be calculated in accordance with the following equations:

    i. For nonchlorinated process vent streams with a net heating value less than or equal to 3.6 and for all chlorinated process vent streams:

    $$TRE = [a + bW^{.88} + cW + dWH + eW^{.88} H^{.88} + f W^{.5}]/E$$

    where:

    TRE = total resource effectiveness value;

    E = maximum hourly VOC emission rate at the vent stream design flowrate (W), in kilograms of VOC per hour (kg/hr);

    W = vent stream design flowrate at a standard temperature of 20 degrees Celsius, in standard cubic meters per minute (scm/min);

    H = vent stream net heating value, as determined in accordance with OAC rule 3745-21-10(P)(2), in megajoules per standard cubic meter (10^6J/scm); and

    a, b, c, d, e, and f = applicable coefficients from Appendix B of OAC rule 3745-21-09.

    ii. For nonchlorinated process vent streams with a net heating value greater than 3.6:

    $$TRE = [a + bW^{.88} + cW + dWH + eW^{.88} H^{.88} + f(WH / 3.6)^{.5}]/E$$

    where TRE, E, W, H, a, b, c, d, e, and f are defined as above.

13. [OAC rule 3745-21-09(EE)(3)(b)]
The parameters used in the total resource effectiveness equations shall be measured at the outlet(s) of the final product recovery device(s) where VOC is reclaimed for beneficial reuse (recycle, sale or use in another part of the process).

14. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR 61.356 [see Part II, section A.IV].

15. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-451, issued on 2/8/98 and modified on 7/27/04: A.III.1 through A.III.14. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 40 CFR 63.118 [see Attachment 2] for process vents and all information specified in 40 CFR 63.146 [see Attachment 2] for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

2. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.10(d)(5) [see Part II, section A.III] and 40 CFR 63.152(d)(1) [see Attachment 2]. The semiannual start-up, shutdown, and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.181(c) [see Attachment 3] instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

3. Whenever the recalculations (performed whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine one of the criteria below have been met, the permittee shall submit a report as specified in 40 CFR 63.118(g), (h), (i), and (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR Part 63, Subpart F [see Attachment 1].

   a. the recalculated TRE index value is less than or equal to 1.0;
   b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;
   c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or
   d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

4. For each heat exchange system, the permittee shall comply with the reporting requirements of 40 CFR 63.104(f)(2) [see Attachment 1].

5. The permittee shall submit reports of any fuels burned in the catalytic oxidizer (4230-L) other than process vent gases and/or natural gas within thirty (30) days to the Portsmouth local air agency, including the date, type, and amount of any such fuel burned.

6. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR 61.357 [see Part II, section A.IV].

7. Reports required by 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3] shall be submitted to USEPA Region 5, with a copy to the Portsmouth local air agency, in accordance with 40 CFR 63.103(d) and (d)(1) [see Attachment 1].

8. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-451, issued on 2/8/98 and modified on 7/27/04: A.IV.1 through A.IV.7. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

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

1.a Emission Limitation:

Volatile organic compound emissions from the catalytic oxidizer (4230-L) shall not exceed 69.26 pounds per day.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25, or 25A.

1.b Emission Limitation:

Volatile organic compound emissions from the catalytic oxidizer (4230-L) shall not exceed 12.64 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable daily emission limitation by 365 days per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the daily emission limitation is maintained.

1.c Emission Limitation:

Acetone emissions from the catalytic oxidizer (4230-L) shall not exceed 4.93 pounds per day.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18.

1.d Emission Limitation:

Acetone emissions from the catalytic oxidizer (4230-L) shall not exceed 0.90 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable daily emission limitation by 365 days per year, and then dividing by 2,000 pounds per ton. Compliance with the ton per year emission limitation shall be assumed provided compliance with the daily emission limitation is maintained.

1.e Emission Limitation:

Nitrogen oxides emissions from the catalytic oxidizer (4230-L) shall not exceed 41.32 pounds per day.

Applicable Compliance Method:

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 7 or 7e.

1.f Emission Limitation:

Nitrogen oxides emissions from the catalytic oxidizer (4230-L) shall not exceed 7.54 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the allowable daily emission limitation by 365 days per year, and then dividing by 2,000 pounds per ton. Compliance with the tons per year emission limitation shall be assumed provided compliance with the daily emission limitation is maintained.

1.g Emission Limitation:

Negligible emissions of particulates, particulates less than ten microns, and sulfur dioxide from the catalytic oxidizer (4230-L).

Applicable Compliance Method:

The emission rates of particulates, particulates less than ten microns, and sulfur dioxide are negligible as long as only natural gas is burned as fuel in the catalytic oxidizer (4230-L).

1.h Emission Limitation:

Acetone emissions from the acetone rundown tanks (4312-FA and 4312-FB) shall be less than 4.32 tons per year.

Applicable Compliance Method:

The acetone emissions (the potential to emit) from the equipment as listed below shall be summed.

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18.

Equipment ID	Equipment Description	Egress Point	Control Device	Acetone (lb/day)	Acetone (tpy)	Notes
4312-FA	Acetone rundown tank	P302	Internal floating roof	11.82	2.16	1
4312-FB	Acetone rundown tank	P303	Internal floating roof	11.82	2.16	1

1. Acetone emissions (lb/day and tpy) from this equipment are controlled. The acetone emissions include the emissions reductions due to the control device. These values represent the controlled potentials to emit and are identified in previous application submittals (PTI 07-00451). Individual equipment acetone (lb/day and tpy) values are not independently enforceable in this permit.

1.i Emission Limitation:

Volatile organic compound emissions from all equipment vented to the catalytic oxidizer (4230-L) shall be reduced by 99%.

Applicable Compliance Method:

The control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the catalytic oxidizer (4230-L)) shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25, or 25A. 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.

1.j Emission Limitation:

The emissions of total organic HAP from Group 1 process vents shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. The emission reduction or concentration shall be calculated on a dry basis, corrected to 3% oxygen.

Applicable Compliance Method:

If required, the concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the catalytic oxidizer (4230-L)) shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25, or 25A. 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.

1.k Emission Limitation:

The emissions of total organic compounds, less methane and ethane, or total organic HAPs from the MHP Decomposer (4272-D) shall be reduced by 95 weight-percent or to a concentration of 20 parts per million by volume on a dry basis corrected to 3 percent oxygen, whichever is less stringent.

Applicable Compliance Method:

If required, the concentration (ppm) and/or control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the catalytic oxidizer (4230-L)) shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60, Appendix A, Methods 1 through 4, and 18, 25, or 25A. 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.

2. The permittee shall conduct, or have conducted, efficiency testing for the catalytic oxidizer (4230-L) in accordance with the following requirements:

   a. The emission testing shall be conducted within 24 months of permit issuance.

   b. The emission testing shall be conducted to demonstrate compliance with the VOC control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the catalytic oxidizer (4230-L)) and the allowable mass emission rate.

   c. The following test methods shall be employed to demonstrate compliance with the allowable emission rates: U. S. EPA Methods 1 through 4 and 18, 25, or 25A of 40 CFR Part 60, Appendix A. Alternative U. S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   d. 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 Portsmouth local air agency.

   e. If required, 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 OAC rule 3745-21-10. 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.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Portsmouth local air agency. 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 Portsmouth local air agency's refusal to accept the results of the emission test(s).

Personnel from the Portsmouth local air agency 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 emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Portsmouth local air agency 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 Portsmouth local air agency.

3. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-451, issued on 2/8/98 and modified on 7/27/04: A.V.1 and A.V.2. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: **Phenol III Process Unit (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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: AMS Distillation Process Unit (P013)

Activity Description: AMS Distillation Process Unit

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
AMS distillation process unit	OAC rule 3745-31-05(A)(3) (PTI 07-00500)	Total volatile organic compound emissions (including acetone) from all equipment except for the fugitive equipment leaks shall not exceed 75.16 pounds per day and 13.72 tons per year, as a 12-month rolling summation. The requirements of this rule also include compliance with the requirements of OAC rule 3745-31-10 through OAC rule 3745-20 and 40 CFR Part 63, Subparts F, G, and H, 40 CFR Part 60, Subpart VV and NNN, 40 CFR Part 61, Subpart FF, and OAC rule 3745-21-09(DD).
	OAC rule 3745-31-10 through OAC rule 3745-31-20	Total volatile organic compound emissions (including acetone) from all modified equipment (including egress points AMS223 and AMS224) except for the fugitive equipment leaks shall not exceed 14.6 pounds per day and 2.66 tons per year, as a 12-month rolling summation. See section A.I.2.a below. See Part II, section A.III.
	40 CFR Part 63, Subpart A	

40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and Attachments 1, 2, and 3.
40 CFR Part 60, Subpart VV	See Part II, section A.I.
OAC rule 3745-21-09(DD)	See Part II, section A.I.
40 CFR Part 60, Subpart NNN	See sections A.I.2.b through A.I.2.e below and Part II, section A.II.
40 CFR Part 61, Subpart FF	See sections A.III.12 and A.IV.7 below and Part II, section A.IV.

2. Additional Terms and Conditions

2.a These PSD BACT determinations for process vent emissions from the AMS topping column (3501-E) and the AMS tailing column (3502-E) require maintaining existing operating conditions and do not require add on controls.

This PSD BACT determination for fugitive emissions from the AMS Distillation process unit requires compliance with the leak detection and repair program required by 40 CR Part 63, Subpart H [see Attachment 3].

2.b The requirements of 40 CFR Part 60, Subpart NNN apply to the following distillation units and associated recovery equipment within the AMS Distillation process unit:

Egress Point	Distillation Column (equipment number)
AMSP223	AMS Super Topper (3500-E) and AMS Topping Column (3501-F)
AMSP224	AMS Tailing Column (3502-E)
AMSP128	AMS Topping Column (501-E)
AMSP132	Ethylbenzene Removal Column (503-E)

2.c [40 CFR 60.660(c)(4)]
The equipment subject to 40 CFR Part 60, NNN which have a total resource effectiveness (TRE) index value of greater than 8.0 are exempt from the requirements of 40 CFR Part 60, Subpart NNN except for the requirements specified in 60.662, 60.664(d), 60.664(e), and 60.664(f), 60.665(h), and 60.665(l). At the time of permit issuance, the following distillation column has a TRE index value greater than 8.0: 3500-E, 501-E, 503-E.

2.d [40 CFR 60.660(c)(6)]
The equipment subject to 40 CFR Part 60, Subpart NNN which have vent stream flow rate less than 0.008 standard cubic meters per minute (scm/min) are exempt from the requirements of 40 CFR Part 60 Subpart NNN except for the requirements specified in 60.664(g) and 60.665(i), 60.665(l)(5), and 60.665(o). At the time of permit issuance, the following distillation column has a flow rate less than 0.008 standard cubic meters per minute: 3502-E.

2.e [40 CFR 60.662]
The equipment subject to 40 CFR Part 60, Subpart NNN which have a TRE index of less than 8.0 and a flow rate greater than 0.008 standard cubic meters per minute shall comply with one of the following:

i. Reduce the emissions of total organic compounds (TOC) by 98% by weight or to a concentration of 20 ppmv TOC, on a dry basis corrected to 3% oxygen;

ii. Combust the emissions in a flare that meets the requirements of 40 CFR 60.18; or

iii. Maintain a TRE index value greater than 1.0 without the use of VOC emission control devices.

II. Operational Restrictions

1. Each surge control vessel or bottoms receiver tank which meets one of the conditions listed in 40 CFR 63.170 [see Attachment 3] shall be equipped with a closed vent system that routes the organic vapors from the surge control vessel or bottoms receiver tank back to the process or to a control device that complies with the requirements of 40 CFR 63.172 [see Attachment 3] or shall be equipped with a fixed roof and an internal floating roof or an external floating roof.

In accordance with the permittee's permit application, the following surge control vessels and bottoms receiver tanks do not exceed the threshold triggers of 40 CFR 63.170 [see Attachment 3]. Therefore, these vessels are not required to meet the conditions listed in 40 CFR 63.170 [see Attachment 3] at the time of permit issuance: 3505-F, 3507-FA, 3507-FB, 314-FA, 351-F.

III. Monitoring and/or Record keeping Requirements

1. Whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent, the permittee shall recalculate the TRE index value, flow, or organic HAP concentration as necessary to determine if the vent is Group 1 or Group 2 in accordance with 40 CFR 63.115(e) [see Attachment 2].

The permittee shall maintain records of process vent group determinations in accordance with 40 CFR 63.117, 63.118(c), (d), and (e) [see Attachment 2].

2. For each Group 2 storage vessel, the permittee shall comply with the record keeping requirements of 40 CFR 63.123(a) [see Attachment 2].

3. For each Group 2 process wastewater stream, the permittee shall comply with the record keeping requirements of 40 CFR 63.147 [see Attachment 2].

4. The permittee shall maintain procedures for the management of maintenance wastewater in accordance with 40 CFR 63.105 [see Attachment 1].

5. [40 CFR 60.664(d)]

The net heating value of the gas combusted for determining the process vent stream TRE index value to determine compliance under 40 CFR 60.662(c) shall be determined in accordance with the equations and procedures in 40 CFR 60.664(d).

6. [40 CFR 60.664(e)]
For purposes of complying with 40 CFR 60.662(c) , the permittee shall determine the TRE index value by calculating values using both the incinerator equation in 40 CFR 60.664(e)(1) and the flare equation in 40 CFR 60.664(e)(2) and selecting the lower of the two values.

7. [40 CFR 60.664(f)]
The permittee seeking to comply with 40 CFR 60.660(c)(4) or 40 CFR 60.662(c) shall recalculate the TRE index value for that affected facility whenever process changes are made. Examples of process changes include changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. The TRE index value shall be recalculated based on test data, or on best engineering estimates of the effects of the change to the recovery system.

   a. Where the recalculated TRE index value is less than or equal to 1.0, the permittee shall notify the Administrator, with a copy to the Portsmouth local air agency, within 1 week of the recalculation and shall conduct a performance test according to the methods and procedures required by 40 CFR 60.664 in order to determine compliance with 40 CFR 60.662(a). Performance tests must be conducted as soon as possible after the process change but no later than 180 days from the time of the process change.

   b. Where the initial TRE index value is greater than 8.0 and the recalculated TRE index value is less than or equal to 8.0 but greater than 1.0, the permittee shall conduct a performance test in accordance with 40 CFR 60.8 and 40 CFR 60.664 and shall comply with 40 CFR 60.663, 60.664 and 60.665. Performance tests must be conducted as soon as possible after the process change but no later than 180 days from the time of the process change.

8. [40 CFR 60.663(d)]
For distillation columns complying with the TRE index value limit specified under 40 CFR 60.662(c) of greater than or equal to 1.0, the permittee shall install, calibrate, maintain, and operate according to manufacturer's specifications the equipment specified in 40 CFR 60.663(d).

9. [40 CFR 60.665(h)]
The permittee shall maintain the following records for each piece of equipment complying with 40 CFR 60.662(c):

   a. any changes in production capacity feedstock type, catalyst type, or of any replacement, removal, or addition of recovery equipment or a distillation unit;

   b. any recalculation of the TRE performed pursuant to 40 CFR 60.664(f); and

   c. the results of any performance test performed pursuant to 40 CFR 60.664(d).

10. [40 CFR 60.664(g)]
The permittee shall use Method 2, 2A, 2C, or 2D, 40 CFR Part 60, Appendix A for determination of the flow rate to demonstrate compliance with 40 CFR 60.660(c)(6).

11. [40 CFR 60.665(i)]
The permittee shall maintain the following records for each piece of equipment complying with 40 CFR 60.660(c)(6):

    a. that the vent stream flow rate is less than 0.008 scm/min; and

    b. any change in equipment or process operation that increases the vent stream flow rate including a measurement of the new vent stream flow rate.

12. The permittee shall maintain records for benzene waste operations in accordance with the requirements specified in 40 CFR Part 61.356 and section A.IV of Part II - Facility Specific Terms and Conditions.

13. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-00500, issued on xx/xx/xx: A.III.1 through A.III.12. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

1. The permittee shall submit periodic reports in accordance with 40 CFR 63.152(c) [see Attachment 2]. The periodic reports shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The reports shall include all information specified in 40 CFR 63.117 and 63.118 for process vents, all information specified in 40 CFR 63.146 for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

2. The permittee shall submit reports of start-up, shutdown, and malfunction in accordance with 40 CFR 63.152(d)(1) [see Attachment 2] and 40 CFR 63.10(d)(5) [see Part II, section A.III]. The semiannual start-up, shutdown and malfunction reports may be submitted on the same schedule as the periodic reports required under 40 CFR 63.152(c) instead of the schedule specified in 40 CFR 63.10(d)(5) [see Part II, section A.III].

3. Whenever the recalculations (performed whenever process changes are made that could reasonably be expected to change a Group 2 process vent to a Group 1 process vent) determine one of the criteria below have been met, the permittee shall submit a report as specified in 40 CFR 63.118 (g) through (j) [see Attachment 2] and the permittee shall comply with the appropriate provisions in 40 CFR 63.113 [see Attachment 2] by the dates specified in 40 CFR 63.100 [see Attachment 1].

a. the recalculated TRE index value is less than or equal to 1.0;

b. the recalculated TRE index value is less than or equal to 4.0 but greater than 1.0;

c. the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute; or

d. the recalculated concentration is greater than or equal to 50 parts per million by volume.

4. The permittee shall submit the information required in 40 CFR 60.665(b)(4) when demonstrating compliance with the TRE index value of greater than 1.0 option of 40 CFR 60.662(c).

5. [40 CFR 60.665(l)]
The permittee shall submit semiannual reports of the following recorded information:

a. Any change in equipment or process operation that increases the operating vent stream flow rate above the low flow exemption level in 40 CFR 60.660(c)(6), including a measurement of the new vent stream flow rate, as recorded under 40 CFR 60.665(i). These must be reported as soon as possible after the change and no later than 180 days after the change. These reports may be submitted either in conjunction with semiannual reports or as a single separate report. A performance test must be completed with the same time period to verify the recalculated flow value and to obtain the vent stream characteristics of heating value and ETOC. The performance test is subject to the requirements of 40 CFR 60.8. Unless the facility qualifies for an exemption under the low capacity exemption status in 40 CFR 60.660(c)(5), the facility must begin compliance with the requirements set forth in 40 CFR 60.662.

b. Any recalculation of the TRE index value, as recorded under 40 CFR 60.665(h).

6. The deviation (excursion) reports shall be submitted in accordance with Part I - General Terms and Conditions of this permit under section (A)(1).

7. The permittee shall submit reports for benzene waste operations in accordance with the requirements specified in 40 CFR Part 61.357 and section A.IV of Part II - Facility Specific Terms and Conditions.

8. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following reporting requirements are as stringent as or more stringent than the reporting requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.IV.1 through A.IV.7. The reporting requirements contained in the above-referenced Permit to Install are subsumed into the reporting requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying reporting requirements in the Permit to Install.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

1.a Emission Limitations:

VOC emissions (including acetone) from all equipment except for fugitive equipment leaks shall not exceed 75.16 pounds per day.

VOC emissions (including acetone) from all equipment except for fugitive equipment leaks shall not exceed 13.72 tons per year, as a 12-month rolling summation.

VOC emissions (including acetone) from all modified equipment (including egress points AMS223 and AMS 224) except for fugitive equipment leaks shall not exceed 14.6 pounds per day.

VOC emissions (including acetone) from all modified equipment (including egress points AMS223 and AMS224) except for fugitive equipment leaks shall not exceed 2.66 tons per year, as a 12-month rolling summation.

Applicable Compliance Method:

The VOC emissions and acetone emissions (potential to emit) from the equipment listed below shall be summed. Compliance with the annual emission limitation shall be determined by multiplying the hourly emission rate by the actual hours of operation per month and the conversion factor of ton/2000 lbs, to arrive at the tons per month emissions. The monthly emissions shall be added to the previous 11 months emissions to determine the rolling 12-months total emissions.

If required, compliance shall be demonstrated in accordance with the requirements specified in 40 CFR Part 60, Appendix A, Methods 1 through 4 and 18, 25 or 25A.

Equipment ID	Equipment Description	Egress Point	Control Device	VOC (lb/day)	VOC (tpy)	Acetone (lb/day)	Acetone (tpy)	Notes
314-FA	Crude AMS storage tank	AMSP114	None	12.38	2.26	0	0	1
502-F	501-E AMS topping column overhead accumulator	AMSP128	None	0.08	0.01	0	0	1

505-F	503-E ethylbenzene removal column accumulator	AMSP132	None	1.86	0.34	3.16	0.58	1
351-F	AMS lights surge tank	AMSP137	None	0.34	0.06	9.26	1.69	1
3505-F	AMS feed tank	AMSP211	None	28.75	5.25	0	0	1
3507-FA	AMS product tank	AMSP212	None	2.36	0.43	0	0	1
3507-FB	AMS product tank	AMSP213	None	2.36	0.43	0	0	1
3502-F	3501-E and 3500-E AMS topping columns reflux drum	AMSP223	None	1.13	0.21	13.39	2.44	1
3503-F	3502-E AMS tailing column reflux drum	AMSP224	None	0.08	0.01	0	0	1

1. VOC and acetone emissions (lb/day and tpy) from this equipment are uncontrolled. These values represent the potentials to emit and are identified in previous application submittals (PTI 07-500). Individual equipment VOC and acetone (lb/day and tpy) values are not independently enforceable in this permit.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00500, issued on xx/xx/xx: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

B. State Only Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2003-F (T022)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2003-F (T022)

Activity Description: Light Hydrocarbon Fuel Storage Tank

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
200,000-gallon light hydrocarbon fuel storage tank (2003-F) with an internal floating roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00232)	Volatile organic compound emissions shall not exceed 0.159 ton per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.
	40 CFR Part 60, Subpart Kb	See section A.I.2.a below.

2. Additional Terms and Conditions

2.a This group 2 storage vessel is subject to the provisions of 40 CFR Part 60, Subpart Kb but is required to comply only with 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3].

2.b The light hydrocarbon by-product fuel is hazardous waste; therefore, Tank 2003-F (emissions unit T022) is subject to the requirements of 40 CFR Part 264 and 265.

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00232, issued on 02/27/91: A.III.1 . The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 0.159 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00232, issued on 02/27/91: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

Emissions Unit: 2003-F (T022)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2101-FA (T023)

Activity Description: Cumene Storage Tank

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
1,504,000-gallon cumene storage tank (2101-FA) with a fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 5.86 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed

into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 5.86 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2101-FA (T023)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2101-FB (T024)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2101-FB (T024)

Activity Description: Cumene Storage Tank

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
1,504,000-gallon cumene storage tank (2101-FB) with a fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 5.86 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The

monitoring and record keeping contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 5.86 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2101-FB (T024)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2102-FA (T025)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2102-FA (T025)

Activity Description: Phenol Storage Tank

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
993,000-gallon phenol storage tank (2102-FA) with a fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 4.93 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed

into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 4.93 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2102-FA (T025)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2102-FB (T026)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2102-FB (T026)

Activity Description: Phenol Storage Tank

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
993,000-gallon phenol storage tank (2102-FB) with a fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 4.93 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed

into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 4.93 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2102-FB (T026)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2104-F (T029)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2104-F (T029)

Activity Description: Heavy Hydrocarbons Storage Tank

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
200,000-gallon heavy hydrocarbon storage tank (2104-F) with a fixed roof, submerged fill and the following air pollution control devices:	OAC rule 3745-31-05(A)(3) (PTI 07-00232)	Volatile organic compound emissions shall not exceed 0.40 ton per year. See section A.I.2.a below.
scrubber (2502-LF) condenser (2105-C)	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

2.a The closed vent system for storage tanks T029 and T030 shall be designed to collect all VOC vapors and gases discharged from the storage vessels operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in 40 CFR Part 60, Subpart VV.

2.b The heavy hydrocarbon by-product fuel is hazardous waste; therefore, Tank 2104-F (emissions unit T029) is subject to the requirements of 40 CFR Part 264 and 265.

II. Operational Restrictions

None

Emissions Unit: 2104-F (T029)

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-00232, issued on 2/27/91: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 0.40 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the VOC emission factor of 7.46×10^{-9} ton VOC per gallon heavy hydrocarbon feed, by the maximum quantity of heavy hydrocarbon feed to the tank in gallons per year. The VOC emission factor was calculated from the results of the December, 1992 stack test. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00232, issued on 2/27/91: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2104-F (T029)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2105-F (T030)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2105-F (T030)

Activity Description: Heavy Hydrocarbons Storage Tank

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
246,000-gallon heavy hydrocarbon storage tank (2105-F) with a fixed roof, submerged fill and the following air pollution control devices:	OAC rule 3745-31-05(A)(3) (PTI 07-00232)	Volatile organic compound emissions shall not exceed 0.40 ton per year. See section A.I.2.a below.
scrubber (2502-LF) condenser (2105-C)	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I, section A.III.1 below and Attachments 1, 2, and 3.
	40 CFR Part 60, Subpart Kb	See section A.I.2.b below.

2. Additional Terms and Conditions

2.a The closed vent system for storage tanks T029 and T030 shall be designed to collect all VOC vapors and gases discharged from the storage vessels operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in 40 CFR Part 60, Subpart VV.

2.b This group 2 storage vessel is subject to the provisions of 40 CFR Part 60, Subpart Kb but is required to comply only with 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3].

2.c The heavy hydrocarbon by-product fuel is hazardous waste; therefore, Tank 2105-F (emissions unit T030) is subject to the requirements of 40 CFR Part 264 and 265.

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-00232, issued on 2/27/91: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 0.40 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated by multiplying the VOC emission factor of 7.46×10^{-9} ton VOC per gallon heavy hydrocarbon feed, by the maximum quantity of heavy hydrocarbon feed to the tank in gallons per year. The VOC emission factor, was calculated from the results of the December 1992 stack test. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00232, issued on 2/27/91: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

Emissions Unit: 2105-F (T030)

VI. Miscellaneous Requirements

None

Emissions Unit: 2105-F (T030)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2101-FC (T033)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2101-FC (T033)

Activity Description: Cumene Storage Tank

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
2,086,000-gallon cumene storage tank (2101-FC) with a fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 7.96 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1 . The

monitoring and record keeping contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 7.96 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2101-FC (T033)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2102-FC (T034)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2102-FC (T034)

Activity Description: Phenol Storage Tank

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
977,600-gallon phenol storage tank (2102-FC) with a fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compounds shall not exceed 5.06 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed

into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compounds shall not exceed 5.06 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2102-FC (T034)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2003-FA (T039)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2003-FA (T039)

Activity Description: Cumene or Crude AMS Storage Tank

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
1,015,112-gallon fixed roof cumene or crude AMS storage tank (2003-FA) with submerged fill	OAC rule 3745-31-05 (A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 4.94 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The

monitoring and record keeping contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 4.94 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 2003-FA (T039)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: F-91A (T045)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: F-91A (T045)

Activity Description: Aniline Storage Tank

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
846,850-gallon aniline storage tank (F-91-A) with fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00449)	Volatile organic compound emissions shall not exceed 1.65 tons per year
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00449, issued on 09/10/97 and modified on

12/12/01: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.65 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00449, issued on 09/10/97 and modified on 12./12/01: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: F-91A (T045)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: F-91B (T046)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: F-91B (T046)

Activity Description: Aniline Storage Tank

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
846,850-gallon aniline storage tank (F-91-B) with fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00449)	Volatile organic compound emissions shall not exceed 1.65 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00449, issued on 09/10/97 and modified on

12/12/01: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.65 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00449, issued on 09/10/97 and modified on 12/12/01: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: F-91B (T046)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 3510-F (T059)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 3510-F (T059)

Activity Description: Alpha Methyl Styrene Hydrogenation Feed Tank

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
11,844-gallon hydrogenation feed tank with submerged fill and the following air pollution control device:	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 1.11 tons per year.
condenser (3511-C)	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G and H as applicable	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.
	40 CFR Part 60, Subpart Kb	See section A.I.2.a below.

2. Additional Terms and Conditions

2.a This group 2 storage vessel is subject to the provisions of 40 CFR Part 60, Subpart Kb but is required to comply only with 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3].

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.11 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 3510-F (T059)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 2108-F (T063)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 2108-F (T063)

Activity Description: Heavy Hydrocarbons Storage Tank

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
112,800-gallon heavy hydrocarbon storage tank (2108-F) with a fixed roof, submerged fill and the following air pollution control devices:	OAC rule 3745-31-05(A)(3) (PTI 07-00435)	Volatile organic compound emissions shall not exceed 1.8 pounds per day and 0.33 ton per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
scrubber (2502-LF) condenser (2105-C)	40 CFR Part 63, Subparts F, G, and H	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.
	40 CFR Part 60, Subpart Kb	See section A.I.2.a below.

2. Additional Terms and Conditions

2.a This group 2 storage vessel is subject to the provisions of 40 CFR Part 60, Subpart Kb but is required to comply only with 40 CFR Part 63, Subparts F, G, and H [see Attachments 1, 2, and 3].

2.b The heavy hydrocarbon by-product fuel is hazardous waste; therefore, Tank 2108-F (emissions unit T063) is subject to the requirements of 40 CFR Part 264 and 265.

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent as or more stringent than the monitoring and record keeping requirements contained in Permit to Install # 07-00435, issued on 1/15/97: A.III.1. The monitoring and record keeping requirements contained in the above-referenced Permit to Install are subsumed into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 1.8 pounds per day and 0.33 ton per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent as or more stringent than the testing requirements contained in Permit to Install #07-00435, issued on 1/15/97: A.V.1. The testing requirements contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

Emissions Unit: 2108-F (T063)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Emissions Unit: 326-F (T064)

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: 326-F (T064)

Activity Description: Hydrogenation AMS Storage Tank

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
41,130-gallon hydrogenation AMS storage tank (326-F) with fixed roof and submerged fill	OAC rule 3745-31-05(A)(3) (PTI 07-00451)	Volatile organic compound emissions shall not exceed 6.55 tons per year.
	40 CFR Part 63, Subpart A	See Part II, section A.III.
	40 CFR Part 63, Subparts F, G and H as applicable	See Part II, section A.I and section A.III.1 below and Attachments 1, 2, and 3.

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record keeping

1. The permittee shall comply with the record keeping requirements for group 2 storage vessels of 40 CFR 63.123(a) [see Attachment 2].

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following monitoring and record keeping requirements are as stringent or as more stringent than the monitoring and record keeping requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.III.1. The monitoring and record keeping contained in the above-referenced Permit to Install are subsumed

into the monitoring and record keeping requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying monitoring and record keeping requirements in the Permit to Install.

IV. Reporting Requirements

None

V. Testing Requirements

1. Compliance with the emission limitation in section A.I.1 of these terms and conditions shall be determined in accordance with the following method:

1.a Emission Limitation:

Volatile organic compound emissions shall not exceed 6.55 tons per year.

Applicable Compliance Method:

Compliance shall be demonstrated using maximum throughput and the calculations and emission factors contained in AP-42, Volume I, 5th Edition, Chapter 1, Section 7.1, dated September, 1997. Alternate emission factors may be used with prior approval by the Portsmouth local air agency and may also require the PTI and this permit to be modified.

2. Pursuant to OAC rule 3745-77-07(A)(3)(a)(ii), the following testing requirements are as stringent or as more stringent than the testing requirements contained in Permit to Install #07-00451, issued on 02/08/98: A.V.1. The testing contained in the above-referenced Permit to Install are subsumed into the testing requirements of this operating permit, so that compliance with these requirements constitutes compliance with the underlying testing requirements in the Permit to Install.

VI. Miscellaneous Requirements

None

Emissions Unit: 326-F (T064)

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 Record keeping

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

{Last updated 6/25/03}

Subpart F - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry (SOCMI)

§ 63.100 Applicability and Designation of Source;
§ 63.101 Definitions;
§ 63.102 Emission standard;
§ 63.103 General compliance, reporting, and recordkeeping provisions;
§ 63.104 Heat exchange system requirements;
§ 63.105 Maintenance wastewater requirements;
§ 63.106 Delegation of authority.

Tables to Subpart F
Table 1- Synthetic Organic Chemical Manufacturing Chemicals
Table 2- Organic Hazardous Air Pollutants
Table 3- General Provisions to Subpart F, G, and H to Subpart F
Table 4- Organic Hazardous Air Pollutants subject to cooling tower monitoring required in Sec. 63.104

Appendix to Subpart F- General Provisions for Subpart F

§ 63.100 Applicability and designation of source.

(a) This subpart provides applicability provisions, definitions, and other general provisions that are applicable to subparts G and H of this part.

(b) Except as provided in paragraphs (b)(4) and (c) of this section, the provisions of subparts F, G,
and H of this part apply to chemical manufacturing process units that meet all the criteria specified
in paragraphs (b)(1), (b)(2), and (b)(3) of this section:

(1) Manufacture as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) or (b)(1)(ii) of this section.

(i) One or more of the chemicals listed in table 1 of this subpart; or

(ii) One or more of the chemicals listed in paragraphs (b)(1)(ii)(A) or (b)(1)(ii)(B) of this section:

(A) Tetrahydrobenzaldehyde (CAS Number 100-50-5); or

(B) Crotonaldehyde (CAS Number 123-73-9).

(2) Use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of this subpart;

(3) Are located at a plant site that is a major source as defined in section 112(a) of the Act.

(4) The owner or operator of a chemical manufacturing processing unit is exempt from all requirements of subparts F, G, and H of this part until not later than April 22, 1997 if the owner or operator certifies, in a notification to the appropriate EPA Regional Office, not later than May 14, 1996, that the plant site at which the chemical manufacturing processing unit is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any

individual hazardous air pollutants (HAP), and less than 25 tons per year of any combination of HAP.

(i) If such a determination is based on limitations and conditions that are not federally enforceable (as defined in subpart A of this part), the owner or operator shall document the basis for the determination as specified in paragraphs (b)(4)(i)(A) through (b)(4)(i)(C) and comply with the recordkeeping requirement in 63.103(f).

(A) The owner or operator shall identify all HAP emission points at the plant site, including those emission points subject to and emission points not subject to subparts F, G, and H;

(B) The owner or operator shall calculate the amount of annual HAP emissions released from each emission point at the plant site, using acceptable measurement or estimating techniques for maximum expected operating conditions at the plant site. Examples of estimating procedures that are considered acceptable include the calculation procedures in § 63.150 of subpart G, the early reduction demonstration procedures specified in §§ 63.74 (c)(2), (c)(3), (d)(2), (d)(3), and (g), or accepted engineering practices. If the total annual HAP emissions for the plant site are annually reported under Emergency Planning and Community Right-to-Know Act (EPCRA) section 313, then such reported annual emissions may be used to satisfy the requirements of § 63.100(b)(4)(i)(B).

(C) The owner or operator shall sum the amount of annual HAP emissions from all emission points on the plant site. If the total emissions of any one HAP are less than 10 tons per year and the total emissions of any combination of HAP are less than 25 tons per year, the plant site qualifies for the exemption described in paragraph (b)(4) of this section, provided that emissions are kept below these thresholds.

(ii) If such a determination is based on limitations and conditions that are federally enforceable (as defined in subpart A of this part), the owner or operator is not subject to the provisions of paragraph (b)(4) of this section.

(c) The owner or operator of a chemical manufacturing process unit that meets the criteria specified in paragraphs (b)(1) and (b)(3) of this section but does not use as a reactant or manufacture as a product or co-product, any organic hazardous air pollutant listed in table 2 of this subpart shall comply only with the requirements of § 63.103(e) of this subpart. To comply with this subpart, such chemical manufacturing process units shall not be required to comply with the provisions of subpart A of this part.

(d) The primary product of a chemical manufacturing process unit shall be determined according to the procedures specified in paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this section.

(1) If a chemical manufacturing process unit produces more than one intended chemical product, the product with the greatest annual design capacity on a mass basis determines the primary product of the process.

(2) If a chemical manufacturing process unit has two or more products that have the same maximum annual design capacity on a mass basis and if one of those chemicals is listed in table 1 of this subpart, then the listed chemical is considered the primary product and the chemical manufacturing process unit is subject to this subpart. If more than one of the products is listed in table 1 of this subpart, then the owner or operator may designate as the primary product any of the listed chemicals and the chemical manufacturing process unit is subject to this subpart.

(3) For chemical manufacturing process units that are designed and operated as flexible operation units producing one or more chemicals listed in table 1 of this subpart, the primary product shall be determined for existing sources based on the expected utilization for the five years following April 22, 1994 and for new sources based on the expected utilization for the first five years after initial startup.

(i) If the predominant use of the flexible operation unit, as described in paragraphs (d)(3)(i)(A) and (d)(3)(i)(B) of this section, is to produce one or more chemicals listed in table 1 of this subpart, then the flexible operation unit shall be subject to the provisions of subparts F, G, and H of this part.

(A) If the flexible operation unit produces one product for the greatest annual operating time, then that product shall represent the primary product of the flexible operation unit.

(B) If the flexible operation unit produces multiple chemicals equally based on operating time, then the product with the greatest annual production on a mass basis shall represent the primary product of the flexible operation unit.

(ii) The determination of applicability of this subpart to chemical manufacturing process units that are designed and operated as flexible operation units shall be reported as part of an operating permit application or as otherwise specified by the permitting authority.

(4) Notwithstanding the provisions of paragraph (d)(3) of this section, for chemical manufacturing process units that are designed and operated as flexible operation units producing a chemical listed in paragraph (b)(1)(ii) of this section, the primary product shall be determined for existing sources based on the expected utilization for the five years following May 12, 1998 and for new sources based on the expected utilization for the first five years after the initial start-up.

(i) The predominant use of the flexible operation unit shall be determined according to paragraphs (d)(3)(i)(A) and (d)(3)(i)(B) of this section. If the predominant use is to produce one of the chemicals listed in paragraph (b)(1)(ii) of this section, then the flexible operation unit shall be subject to the provisions of this subpart and subparts G and H of this part.

(ii) The determination of applicability of this subpart to chemical manufacturing process units that are designed and operated as flexible operation units shall be reported as part of an operating permit application or as otherwise specified by the permitting authority.

(e) The source to which this subpart applies is the collection of all chemical manufacturing process units and the associated equipment at a major source that meet the criteria specified in paragraphs (b)(1) through (3) of this section. The source includes the process vents; storage vessels; transfer racks; waste management units; maintenance wastewater; heat exchange systems; equipment identified in § 63.149; and pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, surge control vessels, and bottoms receivers that are associated with that collection of chemical manufacturing process units. The source also includes equipment required by, or utilized as a method of compliance with, subparts F, G, or H of this part which may include control devices and recovery devices.

(1) This subpart applies to maintenance wastewater and heat exchange systems within a source that is subject to this subpart.

(2) This subpart F and subpart G of this part apply to process vents, storage vessels, transfer racks, equipment identified in § 63.149 of subpart G of this part, and wastewater streams and associated treatment residuals within a source that is subject to this subpart.

(3) This subpart F and subpart H of this part apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, surge control vessels, and bottoms receivers within a source that is subject to this subpart. If specific items of equipment, comprising part of a chemical manufacturing process unit subject to this subpart, are managed by different administrative organizations (e.g., different companies, affiliates, departments, divisions, etc.), those items of equipment may be aggregated with any chemical manufacturing process unit within the source

for all purposes under subpart H of this part, providing there is no delay in the applicable compliance date in § 63.100(k).

(f) The source includes the emission points listed in paragraphs (f)(1) through (f)(11) of this section, but those emission points are not subject to the requirements of this subpart F and subparts G and H of this part. This subpart does not require emission points that are listed in paragraphs (f)(1) through (f)(11) of this section to comply with the provisions of subpart A of this part.

(1) Equipment that is located within a chemical manufacturing process unit that is subject to this subpart but the equipment does not contain organic hazardous air pollutants.

(2) Stormwater from segregated sewers;

(3) Water from fire-fighting and deluge systems in segregated sewers;

(4) Spills;

(5) Water from safety showers;

(6) Water from testing of deluge systems;

(7) Water from testing of firefighting systems;

(8) Vessels storing organic liquids that contain organic hazardous air pollutants only as impurities;

(9) Loading racks, loading arms, or loading hoses that only transfer liquids containing organic hazardous air pollutants as impurities;

(10) Loading racks, loading arms, or loading hoses that vapor balance during all loading operations; and

(11) Equipment that is intended to operate in organic hazardous air pollutant service, as defined in § 63.161 of subpart H of this part, for less than 300 hours during the calendar year.

(g) The owner or operator shall follow the procedures specified in paragraphs (g)(1) through (g)(4) of this section to determine whether a storage vessel is part of the source to which this subpart applies.

(1) Where a storage vessel is dedicated to a chemical manufacturing process unit, the storage vessel shall be considered part of that chemical manufacturing process unit.

(i) If the chemical manufacturing process unit is subject to this subpart according to the criteria specified in paragraph (b) of this section, then the storage vessel is part of the source to which this subpart applies.

(ii) If the chemical manufacturing process unit is not subject to this subpart according to the criteria specified in paragraph (b) of this section, then the storage vessel is not part of the source to which this subpart applies.

(2) If a storage vessel is not dedicated to a single chemical manufacturing process unit, then the applicability of this subpart F and subpart G of this part shall be determined according to the provisions in paragraphs (g)(2)(i) through (g)(2)(iii) of this section.

(i) If a storage vessel is shared among chemical manufacturing process units and one of the process units has the predominant use, as determined by paragraph (g)(2)(i)(A) and (g)(2)(i)(B) of this section, then the storage vessel is part of that chemical manufacturing process unit.

(A) If the greatest input into the storage vessel is from a chemical manufacturing process unit that is located on the same plant site, then that chemical manufacturing process unit has the predominant use.

(B) If the greatest input into the storage vessel is provided from a chemical manufacturing process unit that is not located on the same plant site, then the predominant use is the chemical manufacturing process unit on the same plant site that receives the greatest amount of material from the storage vessel.

(ii) If a storage vessel is shared among chemical manufacturing process units so that there is no single predominant use, and at least one of those chemical manufacturing process units is subject to this subpart, the storage vessel shall be considered to be part of the chemical manufacturing process unit that is subject to this subpart. If more than one chemical manufacturing process unit is subject to this subpart, the owner or operator may assign the storage vessel to any of the chemical manufacturing process units subject to this subpart.

(iii) If the predominant use of a storage vessel varies from year to year, then the applicability of this subpart shall be determined according to the criteria in paragraphs (g)(2)(iii)(A) and (g)(2)(iii)(B) of this section, as applicable.

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(ii) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding May 12, 1998.

(iv) If there is a change in the material stored in the storage vessel, the owner or operator shall reevaluate the applicability of this subpart to the vessel.

(3) Where a storage vessel is located at a major source that includes one or more chemical manufacturing process units which place material into, or receive materials from the storage vessel, but the storage vessel is located in a tank farm (including a marine tank farm), the applicability of this subpart F and subpart G of this part shall be determined according to the provisions in paragraphs (g)(3)(i) through (g)(3)(iv) of this section.

(i) The storage vessel may only be assigned to a chemical manufacturing process unit that utilizes the storage vessel and does not have an intervening storage vessel for that product (or raw material, as appropriate). With respect to any chemical manufacturing process unit, an intervening storage vessel means a storage vessel connected by hard-piping to the chemical manufacturing process unit and to the storage vessel in the tank farm so that product or raw material entering or leaving the chemical manufacturing process unit flows into (or from) the intervening storage vessel and does not flow directly into (or from) the storage vessel in the tank farm.

(ii) If there is no chemical manufacturing process unit at the major source that meets the criteria of paragraph (g)(3)(i) of this section with respect to a storage vessel, this subpart F and subpart G of this part do not apply to the storage vessel.

(iii) If there is only one chemical manufacturing process unit at the major source that meets the criteria of paragraph (g)(3)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to that chemical manufacturing process unit. Applicability of this subpart F and subpart G to this part to the storage vessel shall then be determined according to the provisions of paragraph (b) of this section.

(iv) If there are two or more chemical manufacturing process units at the major source that meet the criteria of paragraph (g)(3)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to one of those chemical manufacturing process units according to the provisions of paragraph (g)(2) of this section. The predominant use shall be determined among only those chemical manufacturing process units that meet the criteria of paragraph (g)(3)(i) of this section. Applicability of this subpart F and subpart G of this part to the storage vessel shall then be determined according to the provisions of paragraph (b) of this section.

(4) If the storage vessel begins receiving material from (or sending material to) another chemical manufacturing process unit, or ceasing to receive material from (or send material to) a

chemical manufacturing process unit, or if the applicability of this subpart F and subpart G of this part to a storage vessel has been determined according to the provisions of paragraphs (g)(2)(i) through (g)(2)(ii) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this subpart to the storage vessel.

(h) The owner or operator shall follow the procedures specified in paragraphs (h)(1) and (h)(2) of this section to determine whether the arms and hoses in a loading rack are part of the source to which this subpart applies.

(1) Where a loading rack is dedicated to a chemical manufacturing process unit, the loading rack shall be considered part of that specific chemical manufacturing process unit.

(i) If the chemical manufacturing process unit is subject to this subpart according to the criteria specified in paragraph (b) of this section and the loading rack does not meet the criteria specified in paragraphs (f)(9) and (f)(10) of this section, then the loading rack is considered a transfer rack (as defined in § 63.101 of this subpart) and is part of the source to which this subpart applies.

(ii) If the chemical manufacturing process unit is not subject to this subpart according to the criteria specified in paragraph (b) of this section, then the loading rack is not considered a transfer rack (as defined in § 63.101 of this subpart) and is not a part of the source to which this subpart applies.

(2) If a loading rack is shared among chemical manufacturing process units, then the applicability of this subpart F and subpart G of this part shall be determined at each loading arm or loading hose according to the provisions in paragraphs (h)(2)(i) through (h)(2)(iv) of this section.

(i) Each loading arm or loading hose that is dedicated to the transfer of liquid organic hazardous air pollutants listed in table 2 of this subpart from a chemical manufacturing process unit to which this subpart applies is part of that chemical manufacturing process unit and is part of the source to which this subpart applies unless the loading arm or loading hose meets the criteria specified in paragraphs (f)(9) or (f)(10) of this section.

(ii) If a loading arm or loading hose is shared among chemical manufacturing process units, and one of the chemical manufacturing process units provides the greatest amount of the material that is loaded by the loading arm or loading hose, then the loading arm or loading hose is part of that chemical manufacturing process unit.

(A) If the chemical manufacturing process unit is subject to this subpart according to the criteria specified in paragraph (b) of this section, then the loading arm or loading hose is part of the source to which this subpart applies unless the loading arm or loading hose meets the criteria specified in paragraphs (f)(9) or (f)(10) of this section.

(B) If the chemical manufacturing process unit is not subject to this subpart according to the criteria specified in paragraph (b) of this section, then the loading arm or loading hose is not part of the source to which this subpart applies.

(iii) If a loading arm or loading hose is shared among chemical manufacturing process units so that there is no single predominant use as described in paragraph (h)(2)(ii) of this section and at least one of those chemical manufacturing process units is subject to this subpart, then the loading arm or hose is part of the chemical manufacturing process unit that is subject to this subpart. If more than one of the chemical manufacturing process units is subject to this subpart, the owner or operator may assign the loading arm or loading hose to any of the chemical manufacturing process units subject to this subpart.

(iv) If the predominant use of a loading arm or loading hose varies from year to year, then the applicability of this subpart shall be determined according to the criteria in paragraphs (h)(2)(iv)(A) and (h)(2)(iv)(B) of this section, as applicable.

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(ii) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding May 12, 1998.

(3) If a loading rack that was dedicated to a single chemical manufacturing process unit begins to serve another chemical manufacturing process unit, or if applicability was determined under the provisions of paragraphs (h)(2)(i) through (h)(2)(iv) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this subpart to the loading rack, loading arm, or loading hose.

(i) Except as provided in paragraph (i)(4) of this section, the owner or operator shall follow the procedures specified in paragraphs (i)(1) through (i)(3) and (i)(5) of this section to determine whether the vent(s) from a distillation unit is part of the source to which this subpart applies.

(1) Where a distillation unit is dedicated to a chemical manufacturing process unit, the distillation column shall be considered part of that chemical manufacturing process unit.

(i) If the chemical manufacturing process unit is subject to this subpart according to the criteria specified in paragraph (b) of this section, then the distillation unit is part of the source to which this subpart applies.

(ii) If the chemical manufacturing process unit is not subject to this subpart according to the criteria specified in paragraph (b) of this section, then the distillation unit is not part of the source to which this subpart applies.

(2) If a distillation unit is not dedicated to a single chemical manufacturing process unit, then the applicability of this subpart and subpart G of this part shall be determined according to the provisions in paragraphs (i)(2)(i) through (i)(2)(iv) of this section.

(i) If the greatest input to the distillation unit is from a chemical manufacturing process unit located on the same plant site, then the distillation unit shall be assigned to that chemical manufacturing process unit.

(ii) If the greatest input to the distillation unit is provided from a chemical manufacturing process unit that is not located on the same plant site, then the distillation unit shall be assigned to the chemical manufacturing process unit located at the same plant site that receives the greatest amount of material from the distillation unit.

(iii) If a distillation unit is shared among chemical manufacturing process units so that there is no single predominant use as described in paragraphs (i)(2)(i) and (i)(2)(ii) of this section, and at least one of those chemical manufacturing process units is subject to this subpart, the distillation unit shall be assigned to the chemical manufacturing process unit that is subject to this subpart. If more than one chemical manufacturing process unit is subject to this subpart, the owner or operator may assign the distillation unit to any of the chemical manufacturing process units subject to this subpart.

(iv) If the predominant use of a distillation unit varies from year to year, then the applicability of this subpart shall be determined according to the criteria in paragraphs (i)(2)(iv)(A) and (i)(2)(iv)(B), as applicable.

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(i) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding May 12, 1998.

(3) If the chemical manufacturing process unit to which the distillation unit is assigned is subject to this subpart, then each vent from the individual distillation unit shall be considered separately to determine whether it is a process vent (as defined in § 63.101 of this subpart). Each vent that is a process vent is part of the source to which this subpart applies.

(4) If the distillation unit is part of one of the chemical manufacturing process units listed in paragraphs (i)(4)(i) through (i)(4)(iii) of this section, then each vent from the individual distillation unit shall be considered separately to determine whether it is a process vent (as defined in § 63.101 of this subpart). Each vent that is a process vent is part of the source to which this subpart applies:

(i) The Aromex unit that produces benzene, toluene, and xylene;

(ii) The unit that produces hexane; or

(iii) The unit that produces cyclohexane.

(5) If a distillation unit that was dedicated to a single chemical manufacturing process unit, or that was part of a chemical manufacturing unit identified in paragraphs (i)(4)(i) through (i)(4)(iii) of this section, begins to serve another chemical manufacturing process unit, or if applicability was determined under the provisions of paragraphs (i)(2)(i) through (i)(2)(iv) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this subpart to the distillation unit.

(j) The provisions of subparts F, G, and H of this part do not apply to the processes specified in paragraphs (j)(1) through (j)(6) of this section. Subparts F, G, and H do not require processes specified in paragraphs (j)(1) through (j)(6) to comply with the provisions of subpart A of this part.

(1) Research and development facilities, regardless of whether the facilities are located at the same plant site as a chemical manufacturing process unit that is subject to the provisions of subparts F, G, or H of this part.

(2) Petroleum refining process units, regardless of whether the units supply feedstocks that include chemicals listed in table 1 of this subpart to chemical manufacturing process units that are subject to the provisions of subparts F, G, or H of this part.

(3) Ethylene process units, regardless of whether the units supply feedstocks that include chemicals listed in table 1 of this subpart to chemical manufacturing process units that are subject to the provisions of subpart F, G, or H of this part.

(4) Batch process vents within a chemical manufacturing process unit;

(5) Chemical manufacturing process units that are located in coke by-product recovery plants.

(6) Solvent reclamation, recovery, or recycling operations at hazardous waste TSDF facilities requiring a permit under 40 CFR part 270 that are separate entities and not part of a SOCMI chemical manufacturing process unit.

(k) Except as provided in paragraphs (l), (m), and (p) of this section, sources subject to subpart F, G, or H of this part are required to achieve compliance on or before the dates specified in paragraphs (k)(1) through (k)(8) of this section.

(1) (i) New sources that commence construction or reconstruction after December 31, 1992, but before August 27, 1996 shall be in compliance with this subpart F, subparts G and H of this part upon initial start-up or by April 22, 1994, whichever is later, as provided in § 63.6(b) of subpart A of this part, and further, where start-up occurs before January 17, 1997 shall

also be in compliance with this subpart F and subparts G and H of this part (as amended on January 17, 1997) by January 17, 1997, except that, with respect to all new sources that commenced construction or reconstruction after December 31, 1992, and before August 27, 1996:

(A) Heat exchange systems and maintenance wastewater, that are part of a new source on which construction or reconstruction commenced after December 31, 1992, but before August 27, 1996, shall be in compliance with this subpart F no later than initial start-up or 180 days after January 17, 1997, whichever is later;

(B) Process wastewater streams and equipment subject to § 63.149, that are part of a new source on which construction or reconstruction commenced after December 31, 1992, but before August 27, 1996, shall be in compliance with this subpart F and subpart G of this part no later than initial start-up or 180 days after January 17, 1997, whichever is later; and

(ii) New sources that commence construction after August 26, 1996 shall be in compliance with this subpart F, subparts G and H of this part upon initial start-up or by January 17, 1997, whichever is later.

(2) Existing sources shall be in compliance with this subpart F and subpart G of this part no later than the dates specified in paragraphs (k)(2)(i) and (k)(2)(ii) of this section, unless an extension has been granted by the Administrator as provided in § 63.151(a)(6) of subpart G of this part or granted by the permitting authority as provided in § 63.6(i) of subpart A of this part.

(i) Process vents, storage vessels, and transfer racks at an existing source shall be in compliance with the applicable sections of this subpart and subpart G of this part no later than April 22, 1997.

(ii) Heat exchange systems and maintenance wastewater shall be in compliance with the applicable sections of this subpart, and equipment subject to § 63.149 and process wastewater streams shall be in compliance with the applicable sections of this subpart and subpart G of this part no later than April 22, 1999, except as provided in paragraphs (k)(2)(ii)(A) and (k)(2)(ii)(B) of this section.

(A) If a process wastewater stream or equipment subject to § 63.149 is subject to the control requirements of subpart G of this part due to the contribution of nitrobenzene to the total annual average concentration (as determined according to the procedures in § 63.144(b) of subpart G of this part), the wastewater stream shall be in compliance no later than January 18, 2000.

(B) If a process wastewater stream is used to generate credits in an emissions average in accordance with § 63.150 of subpart G of this part, the process wastewater stream shall be in compliance with the applicable sections of subpart G of this part no later than April 22, 1997.

(3) Existing sources shall be in compliance with subpart H of this part no later than the dates specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section, except as provided for in paragraphs (k)(4) through (k)(8) of this section, unless an extension has been granted by the Administrator as provided in § 63.182(a)(6) of this part or granted by the permitting authority as provided in § 63.6(I) of subpart A of this part. The group designation for each process unit is indicated in table 1 of this subpart.

(i) Group I: October 24, 1994.

(ii) Group II: January 23, 1995.

(iii) Group III: April 24, 1995.

(iv) Group IV: July 24, 1995.

(v) Group V: October 23, 1995.

(4) Existing chemical manufacturing process units in Groups I and II as identified in table 1 of this subpart shall be in compliance with the requirements of § 63.164 of subpart H no later than May 10, 1995, for any compressor meeting one or more of the criteria in paragraphs (k)(4)(i)

through (k)(4)(iv) of this section, if the work can be accomplished without a process unit shutdown, as defined in § 63.161 in subpart H.

(i) The seal system will be replaced;

(ii) A barrier fluid system will be installed;

(iii) A new barrier fluid will be utilized which requires changes to the existing barrier fluid system; or

(iv) The compressor must be modified to permit connecting the compressor to a closed vent system.

(5) Existing chemical manufacturing process units shall be in compliance with the requirements of § 63.164 in subpart H no later than 1 year after the applicable compliance date specified in paragraph (k)(3) of this section, for any compressor meeting the criteria in paragraphs (k)(5)(i) through (k)(5)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in paragraphs (k)(4) (i) through (iv) of this section;

(ii) The work can be accomplished without a process unit shutdown as defined in § 63.161 of subpart H;

(iii) The additional time is actually necessary due to the unavailability of parts beyond the control of the owner or operator; and

(iv) The owner or operator submits a request to the appropriate EPA Regional Office at the addresses listed in § 63.13 of subpart A of this part no later than 45 days before the applicable compliance date in paragraph (k)(3) of this section, but in no event earlier than May 10, 1995. The request shall include the information specified in paragraphs (k)(5)(iv)(A) through (k)(5)(iv)(E) of this section. Unless the EPA Regional Office objects to the request within 30 days after receipt, the request shall be deemed approved.

(A) The name and address of the owner or operator and the address of the existing source if it differs from the address of the owner or operator;

(B) The name, address, and telephone number of a contact person for further information;

(C) An identification of the chemical manufacturing process unit, and of the specific equipment for which additional compliance time is required;

(D) The reason compliance can not reasonably be achieved by the applicable date specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section; and

(E) The date by which the owner or operator expects to achieve compliance.

(6) (i) If compliance with the compressor provisions of § 63.164 of subpart H of this part can not reasonably be achieved without a process unit shutdown, as defined in § 63.161 of subpart H, the owner or operator shall achieve compliance no later than April 22, 1996, except as provided for in paragraph (k)(6)(ii) of this section. The owner or operator who elects to use this provision shall comply with the requirements of § 63.103(g) of this subpart.

(ii) If compliance with the compressor provisions of § 63.164 of subpart H of this part can not be achieved without replacing the compressor or recasting the distance piece, the owner or operator shall achieve compliance no later than April 22, 1997. The owner or operator who elects to use this provision shall also comply with the requirements of § 63.103(g) of this subpart.

(7) Existing sources shall be in compliance with the provisions of § 63.170 of subpart H no later than April 22, 1997.

(8) If an owner or operator of a chemical manufacturing process unit subject to the provisions of subparts F, G, and H of part 63 plans to implement pollution prevention measures to eliminate the use or production of HAP listed in table 2 of this subpart by October 23, 1995, the provisions of subpart H do not apply regardless of the compliance dates specified in paragraph

(k)(3) of this section. The owner or operator who elects to use this provision shall comply with the requirements of § 63.103(h) of this subpart. (9) All terms in this subpart F or subpart G of this part that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annual), unless specified otherwise in the section or subsection that imposes the requirement, refer to the standard calendar periods.

(i) Notwithstanding time periods specified in this subpart F or subpart G of this part for completion of required tasks, such time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in subpart A of this part (e.g., a period could begin on the compliance date or another date, rather than on the first day of the standard calendar period). For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(ii) Where the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraphs (k)(9)(ii)(A) or (k)(9)(ii)(B) of this section, as appropriate.

(A) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(B) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(iii) In all instances where a provision of this subpart F or subpart G of this part requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during the specified period, provided the task is conducted at a reasonable interval after completion of the task during the previous period.

(l) (1) If an additional chemical manufacturing process unit meeting the criteria specified in paragraph (b) of this section is added to a plant site that is a major source as defined in section 112(a) of the Act, the addition shall be subject to the requirements for a new source in subparts F, G, and H of this part if:

(i) It is an addition that meets the definition of construction in § 63.2 of subpart A of this part;

(ii) (A) Such construction commenced after December 31, 1992 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in table 1 of this subpart;

(B) Such construction commenced after August 22, 1997 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section; and

(iii) The addition has the potential to emit 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAP's, unless the Administrator establishes a lesser quantity.

(2) If any change is made to a chemical manufacturing process unit subject to this subpart, the change shall be subject to the requirements of a new source in subparts F, G, and H of this part if:

(i) It is a change that meets the definition of reconstruction in § 63.2 of subpart A of this part; and

(ii) (A) Such construction commenced after December 31, 1992 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in table 1 of this subpart;

(B) Such construction commenced after August 22, 1997 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section.

(3) If an additional chemical manufacturing process unit is added to a plant site or a change is made to a chemical manufacturing process unit and the addition or change is determined to be subject to the new source requirements according to paragraph (l)(1) or (l)(2) of this section:

(i) The new or reconstructed source shall be in compliance with the new source requirements of subparts F, G, and H of this part upon initial start-up of the new or reconstructed source or by April 22, 1994, whichever is later; and

(ii) The owner or operator of the new or reconstructed source shall comply with the reporting and recordkeeping requirements in subparts F, G, and H of this part that are applicable to new sources. The applicable reports include, but are not limited to:

(A) The application for approval of construction or reconstruction which shall be submitted by the date specified in § 63.151(b)(2)(ii) of subpart G of this part, or an Initial Notification as specified in § 63.151(b)(2)(iii) of subpart G of this part;

(B) Changes that meet the criteria in § 63.151(j) of subpart G of this part, unless the information has been submitted in an operating permit application or amendment;

(C) The Notification of Compliance Status as required by § 63.152(b) of subpart G of this part for the new or reconstructed source;

(D) Periodic Reports and Other Reports as required by § 63.152(c) and (d) of subpart G of this part;

(E) Reports required by § 63.182 of subpart H of this part; and

(F) Reports and notifications required by sections of subpart A of this part that are applicable to subparts F, G, and H of this part, as identified in table 3 of this subpart.

(4) If an additional chemical manufacturing process unit is added to a plant site, or if an emission point is added to an existing chemical manufacturing process unit, or if another deliberate operational process change creating an additional Group 1 emission point(s) is made to an existing chemical manufacturing process unit, or if a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, or if a compressor becomes subject to § 63.164 of subpart H, and if the addition or change is not subject to the new source requirements as determined according to paragraph (l)(1) or (l)(2) of this section, the requirements in paragraphs (l)(4)(i) through (l)(4)(iii) of this section shall apply. Examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. For purposes of this paragraph and paragraph (m) of this section, process changes do not include: Process upsets, unintentional temporary process changes, and changes that are within the equipment configuration and operating conditions documented in the Notification of Compliance Status required by § 63.152(b) of subpart G of this part.

(i) The added emission point(s) and any emission point(s) within the added or changed chemical manufacturing process unit are subject to the requirements of subparts F, G, and H of this part for an existing source;

(ii) The added emission point(s) and any emission point(s) within the added or changed chemical manufacturing process unit shall be in compliance with subparts F, G, and H of this part by the dates specified in paragraph (l)(4)(ii) (A) or (B) of this section, as applicable.

(A) If a chemical manufacturing process unit is added to a plant site or an emission point(s) is added to an existing chemical manufacturing process unit, the added emission

point(s) shall be in compliance upon initial startup of the added chemical manufacturing process unit or emission point(s) or by 3 years after April 22, 1994, whichever is later.

(B) If a deliberate operational process change to an existing chemical manufacturing process unit causes a Group 2 emission point to become a Group 1 emission point, if a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, or if a compressor becomes subject to § 63.164 of subpart H, the owner or operator shall be in compliance upon initial start-up or by 3 years after April 22, 1994, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. If this demonstration is made to the Administrator's satisfaction, the owner or operator shall follow the procedures in paragraphs (m)(1) through (m)(3) of this section to establish a compliance date.

(iii) The owner or operator of a chemical manufacturing process unit or emission point that is added to a plant site and is subject to the requirements for existing sources shall comply with the reporting and recordkeeping requirements of subparts F, G, and H of this part that are applicable to existing sources, including, but not limited to, the reports listed in paragraphs (l)(4)(iii) (A) through (E) of this section. A change to an existing chemical manufacturing process unit shall be subject to the reporting requirements for existing sources, including but not limited to, the reports listed in paragraphs (l)(4)(iii)(A) through (E) of this section if the change meets the criteria specified in § 63.118(g), (h), (i), or (j) of subpart G of this part for process vents or the criteria in § 63.155(i) or (j) of subpart G of this part. The applicable reports include, but are not limited to:

(A) Reports specified in § 63.151(i) and (j) of subpart G of this part, unless the information has been submitted in an operating permit application or amendment;

(B) The Notification of Compliance Status as required by § 63.152(b) of subpart G of this part for the emission points that were added or changed;

(C) Periodic Reports and other reports as required by § 63.152 (c) and (d) of subpart G of this part;

(D) Reports required by § 63.182 of subpart H of this part; and

(E) Reports and notifications required by sections of subpart A of this part that are applicable to subparts F, G, and H of this part, as identified in table 3 of this subpart.

(m) If a change that does not meet the criteria in paragraph (l)(4) of this section is made to a chemical manufacturing process unit subject to subparts F and G of this part, and the change causes a Group 2 emission point to become a Group 1 emission point (as defined in § 63.111 of subpart G of this part), then the owner or operator shall comply with the requirements of subpart G of this part for the Group 1 emission point as expeditiously as practicable, but in no event later than 3 years after the emission point becomes Group 1.

(1) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(2) The compliance schedule shall be submitted with the report required in § 63.151(i)(2) of subpart G of this part for emission points included in an emissions average or § 63.151(j)(1) or subpart G of this part for emission points not in an emissions average, unless the compliance schedule has been submitted in an operating permit application or amendment.

(3) The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

(n) *Rules stayed for reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart F is stayed from October 24, 1994, to April 24, 1995, only as applied to

those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart F.

(o) *Sections stayed for reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of §§ 63.164 and 63.170 of subpart H is stayed from October 28, 1994, to April 24, 1995, only as applied to those sources subject to § 63.100(k)(3) (i) and (ii).

(p) Compliance dates for chemical manufacturing process units that produce crotonaldehyde or tetrahydrobenzaldehyde. Notwithstanding the provisions of paragraph (k) of this section, chemical manufacturing process units that meet the criteria in paragraphs (b)(1)(ii), (b)(2), and (b)(3) of this section shall be in compliance with this subpart and subparts G and H of this part by the dates specified in paragraphs (p)(1) and (p)(2) of this section, as applicable.

(1) If the source consists only of chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section, new sources shall comply by the date specified in paragraph (p)(1)(i) of this section and existing sources shall comply by the dates specified in paragraphs (p)(1)(ii) and (p)(1)(iii) of this section.

(i) Upon initial startup or May 12, 1998, whichever is later.

(ii) This subpart and subpart G of this part by May 14, 2001, unless an extension has been granted by the Administrator as provided in Sec. 63.151(a)(6) or granted by the permitting authority as provided in Sec. 63.6(i) of subpart A of this part. When April 22, 1994 is referred to in this subpart and subpart G of this part, May 12, 1998 shall be used as the applicable date for that provision. When December 31, 1992 is referred to in this subpart and subpart G of this part, August 22, 1997 shall be used as the applicable date for that provision.

(iii) Subpart H of this part by May 12, 1999, unless an extension has been granted by the Administrator as provided in Sec. 63.151(a)(6) or granted by the permitting authority as provided in Sec. 63.6(i) of subpart A of this part. When April 22, 1994 is referred to in subpart H of this part, May 12, 1998 shall be used as the applicable date for that provision. When December 31, 1992 is referred to in subpart H of this part, August 22, 1997 shall be used as the applicable date for that provision.

(2) If the source consists of a combination of chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) and (b)(1)(ii) of this section, new chemical manufacturing process units that meet the criteria in paragraph (b)(1)(ii) of this section shall comply by the date specified in paragraph (p)(1)(i) of this section and existing chemical manufacturing process units producing crotonaldehyde and/or tetrahydrobenzaldehyde shall comply by the dates specified in paragraphs (p)(1)(ii) and (p)(1)(iii) of this section.

(q) If the owner or operator of a process vent, or of a gas stream transferred subject to § 63.113(i), is unable to comply with the provisions of §§ 63.113 through 63.118 by the applicable compliance date specified in paragraph (k),(l), or (m) of this section for the reasons stated in paragraph (q)(1),(3), or (5) of this section, the owner or operator shall comply with the applicable provisions in §§ 63.113 through 63.118 as expeditiously as practicable, but in no event later than the date approved by the Administrator pursuant to paragraph (q)(2), (4), or (6) of this section, respectively. For requests under paragraph (q)(1) or (3) of this section, the date approved by the Administrator may be earlier than, and shall not be later than, the later of January 22, 2004 or 3 years after the transferee's refusal to accept the stream for disposal. For requests submitted under paragraph (q)(5) of this section, the date approved by the Administrator may be earlier than, and

shall not be later than, 3 years after the date of publication of the amendments to this subpart or to subpart G of this part which created the need for an extension of the compliance.

(1) If the owner or operator has been sending a gas stream for disposal as described in § 63.113(i) prior to January 22, 2001, and the transferee does not submit a written certification as described in § 63.113(i)(2) and ceases to accept the gas stream for disposal, the owner or operator shall comply with paragraph (q)(2) of this section.

(2) (i) An owner or operator directed to comply with paragraph (q)(2) of this section shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(ii) The compliance schedule and justification shall be submitted no later than 90 days after the transferee ceases to accept the gas stream for disposal.

(iii) The Administrator shall approve the compliance schedule or request changes within 120 days of receipt of the compliance schedule and justification.

(3) If the owner or operator has been sending the gas stream for disposal as described in § 63.113(i) to a transferee who had submitted a written certification as described in § 63.113(i)(2), and the transferee revokes its written certification, the owner or operator shall comply with paragraph (q)(4) of this section. During the period between the date when the owner or operator receives notice of revocation of the transferee's written certification and the compliance date established under paragraph (q)(4) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. For purposes of this paragraph (q)(3), the term ''excess emissions'' means emissions in excess of those that would have occurred if the transferee had continued managing the gas stream in compliance with the requirements in §§ 63.113 through 63.118. The measures to be taken shall be identified in the applicable startup, shutdown, and malfunction plan. If the measures that can be reasonably taken will change over time, so that a more effective measure which could not reasonably be taken initially would be reasonable at a later date, the Administrator may require the more effective measure by a specified date (in addition to or instead of any other measures taken sooner or later than that date) as a condition of approval of the compliance schedule.

(4) (i) An owner or operator directed to comply with this paragraph (q)(4) shall submit to the Administrator for approval the documents specified in paragraphs (q)(4)(i)(A) through (E) of this section no later than 90 days after the owner or operator receives notice of revocation of the transferee's written certification.

(A) A request for determination of a compliance date.

(B) A justification for the request for determination of a compliance date.

(C) A compliance schedule.

(D) A justification for the compliance schedule.

(E) A description of the measures that will be taken to minimize excess emissions until the new compliance date, and the date when each measure will first be implemented. The owner or operator shall describe how, and to what extent, each measure will minimize excess emissions, and shall justify any period of time when measures are not in place.

(ii) The Administrator shall approve or disapprove the request for determination of a compliance date and the compliance schedule, or request changes, within 120 days after receipt of the documents specified in paragraphs (q)(4)(i)(A) through (E) of this section. Upon approving the request for determination and compliance schedule, the Administrator shall specify a reasonable compliance date consistent with the introductory text in paragraph (q) of this section.

(5) If the owner's or operator's inability to meet otherwise applicable compliance deadlines is due to amendments of this subpart or of subpart G of this part published on or after January 22, 2001 and neither condition specified in paragraph (q)(1) or (3) of this section is applicable, the owner or operator shall comply with paragraph (q)(6) of this section.

(6) (i) An owner or operator directed to comply with this paragraph (6)(i) shall submit to the Administrator for approval, a request for determination of a compliance date, a compliance schedule, a justification for the determination of a compliance date, and a justification for the compliance schedule.

(ii) The documents required to be submitted under paragraph (q)(6)(i) of this section shall be submitted no later than 120 days after publication of the amendments of this subpart or of subpart G of this part which necessitate the request for an extension.

(iii) The Administrator shall approve or disapprove the request for a determination of a compliance date, or request changes, within 120 days after receipt of the request for determination of a compliance date, the compliance schedule, and the two justifications. If the request for determination of a compliance date is disapproved, the compliance schedule is disapproved and the owner or operator shall comply by the applicable date specified in paragraph (k),(l), or (m) of this section. If the request for the determination of a compliance date is approved, the Administrator shall specify, at the time of approval, a reasonable compliance date consistent with the introductory text in paragraph (q) of this section.

§ 63.101 Definitions.

(a) The following terms as used in subparts F, G, and H of this part shall have the meaning given them in subpart A of this part: Act, actual emissions, Administrator, affected source, approved permit program, commenced, compliance date, construction, continuous monitoring system, continuous parameter monitoring system, effective date, emission standard, emissions averaging, EPA, equivalent emission limitation, existing source, Federally enforceable, fixed capital cost, hazardous air pollutant, lesser quantity, major source, malfunction, new source, owner or operator, performance evaluation, performance test, permit program, permitting authority, reconstruction, relevant standard, responsible official, run, standard conditions, State, and stationary source.

(b) All other terms used in this subpart and subparts G and H of this part shall have the meaning given them in the Act and in this section. If the same term is defined in subpart A of this part and in this section, it shall have the meaning given in this section for purposes of subparts F, G, and H of this part.

Air oxidation reactor means a device or vessel in which air, or a combination of air and oxygen, is used as an oxygen source in combination with one or more organic reactants to produce one or more organic compounds. Air oxidation reactor includes the product separator and any associated vacuum pump or steam jet.

Batch operation means a noncontinuous operation in which a discrete quantity or batch of feed is charged into a unit operation within a chemical manufacturing process unit and processed at one time. Batch operation includes noncontinuous operations in which the equipment is fed intermittently or discontinuously. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation. After each batch operation, the equipment is generally emptied before a fresh batch is started.

Batch process vent means gaseous venting to the atmosphere from a batch operation.

Bottoms receiver means a tank that collects distillation bottoms before the stream is sent for storage or for further downstream processing.

By-product means a chemical that is produced coincidentally during the production of another chemical.

Chemical manufacturing process unit means the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. A chemical

manufacturing process unit consists of more than one unit operation. For the purpose of this subpart, chemical manufacturing process unit includes air oxidation reactors and their associated product separators and recovery devices; reactors and their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and control devices or systems. A chemical manufacturing process unit is identified by its primary product.

Control device means any combustion device, recovery device, or recapture device. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For process vents (as defined in this section), recapture devices are considered control devices but recovery devices are not considered control devices. For a steam stripper, a primary condenser is not considered a control device.

Co-product means a chemical that is produced during the production of another chemical.

Distillate receiver means overhead receivers, overhead accumulators, reflux drums, and condenser(s) including ejector-condenser(s) associated with a distillation unit.

Distillation unit means a device or vessel in which one or more feed streams are separated into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and the vapor phases by vaporization and condensation as they approach equilibrium within the distillation unit. Distillation unit includes the distillate receiver, reboiler, and any associated vacuum pump or steam jet.

Emission point means an individual process vent, storage vessel, transfer rack, wastewater stream, or equipment leak.

Equipment leak means emissions of organic hazardous air pollutants from a connector, pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, surge control vessel, bottoms receiver, or instrumentation system in organic hazardous air pollutant service as defined in § 63.161.

Ethylene process or *ethylene process unit* means a chemical manufacturing process unit in which ethylene and/or propylene are produced by separation from petroleum refining process streams or by subjecting hydrocarbons to high temperatures in the presence of steam. The ethylene process unit includes the separation of ethylene and/or propylene from associated streams such as a C4 product, pyrolysis gasoline, and pyrolysis fuel oil. The ethylene process does not include the manufacture of SOCMI chemicals such as the production of butadiene from the C4 stream and aromatics from pyrolysis gasoline.

Flexible operation unit means a chemical manufacturing process unit that manufactures different chemical products periodically by alternating raw materials or operating conditions. These units are also referred to as campaign plants or blocked operations.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and flow and pressure control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in in-process
combustion equipment such as furnaces and gas turbines either singly or in combination.

Heat exchange system means any cooling tower system or once-through cooling water system (e.g., river or pond water). A heat exchange system can include more than one heat exchanger and can include an entire recirculating or once-through cooling system.

Impurity means a substance that is produced coincidentally with the primary product, or is present in a raw material. An impurity does not serve a useful purpose in the production or use of the primary product and is not isolated.

Initial start-up means the first time a new or reconstructed source begins production, or, for equipment added or changed as described in § 63.100 (l) or (m) of this subpart, the first time the equipment is put into operation. Initial start-up does not include operation solely for testing equipment. For purposes of subpart G of this part, initial start-up does not include subsequent start-ups (as defined in this section) of chemical manufacturing process units following malfunctions or shutdowns or following changes in product for flexible operation units or following recharging of equipment in batch operation. For purposes of subpart H of this part, initial start-up does not include subsequent start-ups (as defined in § 63.161 of subpart H of this part) of process units (as defined in § 63.161 of subpart H of this part) following malfunctions or process unit shutdowns.

Loading rack means a single system used to fill tank trucks and railcars at a single geographic site. Loading equipment and operations that are physically separate (i.e, do not share common piping, valves, and other equipment) are considered to be separate loading racks.

Maintenance wastewater means wastewater generated by the draining of process fluid from components in the chemical manufacturing process unit into an individual drain system prior to or during maintenance activities. Maintenance wastewater can be generated during planned and unplanned shutdowns and during periods not associated with a shutdown. Examples of activities that can generate maintenance wastewaters include descaling of heat exchanger tubing bundles, cleaning of distillation column traps, draining of low legs and high point bleeds, draining of pumps into an individual drain system, and draining of portions of the chemical manufacturing process unit for repair.

On-site or *On site* means, with respect to records required to be maintained by this subpart, that the records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the chemical manufacturing process unit to which the records pertain, or storage in central files elsewhere at the major source.

Operating permit means a permit required by 40 CFR part 70 or 71.

Organic hazardous air pollutant or *organic HAP* means one of the chemicals listed in table 2 of this subpart.

Petroleum refining process, also referred to as a *petroleum refining process unit*, means a process that for the purpose of producing transportation fuels (such as gasoline and diesel fuels), heating fuels (such as fuel gas, distillate, and residual fuel oils), or lubricants separates petroleum or separates, cracks, or reforms unfinished derivatives. Examples of such units include, but are not limited to, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic reforming, catalytic cracking, crude distillation, and thermal processes.

Plant site means all contiguous or adjoining property that is under common control, including properties that are separated only by a road or other public right-of-way. Common control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination thereof.

Process vent means the point of discharge to the atmosphere (or the point of entry into a control device, if any) of a gas stream if the gas stream has the characteristics specified in § 63.107(b) through (h), or meets the criteria specified in § 63.107(i). For purposes of §§ 63.113 through 63.118, all references to the characteristics of a process vent (e.g., flow rate, total HAP concentration, or TRE index value) shall mean the characteristics of the gas stream.

Process wastewater means wastewater which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Examples are product tank drawdown or feed tank drawdown; water formed during a chemical reaction or used as a reactant;

water used to wash impurities from organic products or reactants; water used to cool or quench organic vapor streams through direct contact; and condensed steam from jet ejector systems pulling vacuum on vessels containing organics.

Product means a compound or chemical which is manufactured as the intended product of the chemical manufacturing process unit. By-products, isolated intermediates, impurities, wastes, and trace contaminants are not considered products.

Product separator means phase separators, flash drums, knock-out drums, decanters, degassers, and condenser(s) including ejector-condenser(s) associated with a reactor or an air oxidation reactor.

Reactor means a device or vessel in which one or more chemicals or reactants, other than air, are combined or decomposed in such a way that their molecular structures are altered and one or more new organic compounds are formed. Reactor includes the product separator and any associated vacuum pump or steam jet.

Recapture device means an individual unit of equipment capable of and used for the purpose of recovering chemicals, but not normally for use, reuse, or sale. For example, a recapture device may recover chemicals primarily for disposal. Recapture devices include, but are not limited to, absorbers, carbon adsorbers, and condensers.

Recovery device means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for fuel value (i.e., net positive heating value), use, reuse or for sale for fuel value, use, or reuse. Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. For purposes of the monitoring, recordkeeping, and reporting requirements of subpart G of this part, recapture devices are considered recovery devices.

Research and development facility means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products for commercial sale, except in a *de minimis* manner.

Shutdown means for purposes including, but not limited to, periodic maintenance, replacement of equipment, or repair, the cessation of operation of a chemical manufacturing process unit or a reactor, air oxidation reactor, distillation unit, waste management unit, equipment required or used to comply with this subpart F, subparts G, or H of this part or the emptying and degassing of a storage vessel. Shutdown does not include the routine rinsing or washing of equipment in batch operation between batches.

Source means the collection of emission points to which this subpart applies as determined by the criteria in § 63.100 of this subpart. For purposes of subparts F, G, and H of this part, the term *affected source* as used in subpart A of this part has the same meaning as the term *source* defined here.

Start-up means the setting into operation of a chemical manufacturing process unit or a reactor, air oxidation reactor, distillation unit, waste management unit, or equipment required or used to comply with this subpart F, subpart G, or H of this part or a storage vessel after emptying and degassing. Start-up includes initial start-up, operation solely for testing equipment, the recharging of equipment in batch operation, and transitional conditions due to changes in product for flexible operation units.

Start-up, shutdown, and malfunction plan means the plan required under § 63.6(e)(3) of subpart A of this part. This plan details the procedures for operation and maintenance of the source during periods of start-up, shutdown, and malfunction.

Storage vessel means a tank or other vessel that is used to store organic liquids that contain one or more of the organic HAP's listed in table 2 of this subpart and that has been

assigned, according to the procedures in § 63.100(g) of this subpart, to a chemical manufacturing process unit that is subject to this subpart. Storage vessel does not include:

(1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;

(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;

(3) Vessels with capacities smaller than 38 cubic meters;

(4) Vessels storing organic liquids that contain organic hazardous air pollutants only as impurities;

(5) Bottoms receiver tanks;

(6) Surge control vessels; or

(7) Wastewater storage tanks. Wastewater storage tanks are covered under the wastewater provisions.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a chemical manufacturing process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

Transfer operation means the loading, into a tank truck or railcar, of organic liquids that contain one or more of the organic hazardous air pollutants listed in table 2 of this subpart from a transfer rack (as defined in this section). Transfer operations do not include loading at an operating pressure greater than 204.9 kilopascals.

Transfer rack means the collection of loading arms and loading hoses, at a single loading rack, that are assigned to a chemical manufacturing process unit subject to this subpart according to the procedures specified in § 63.100(h) of this subpart and are used to fill tank trucks and/or railcars with organic liquids that contain one or more of the organic hazardous air pollutants listed in table 2 of this subpart. Transfer rack includes the associated pumps, meters, shutoff valves, relief valves, and other piping and valves. Transfer rack does not include:

(1) Racks, arms, or hoses that only transfer liquids containing organic hazardous air pollutants as impurities;

(2) Racks, arms, or hoses that vapor balance during all loading operations; or

(3) Racks transferring organic liquids that contain organic hazardous air pollutants only as impurities.

Unit operation means one or more pieces of process equipment used to make a single change to the physical or chemical characteristics of one or more process streams. Unit operations include, but are not limited to, reactors, distillation units, extraction columns, absorbers, decanters, dryers, condensers, and filtration equipment.

Vapor balancing system means a piping system that is designed to collect organic hazardous air pollutants vapors displaced from tank trucks or railcars during loading; and to route the collected organic hazardous air pollutants vapors to the storage vessel from which the liquid being loaded originated, or to another storage vessel connected by a common header or to compress and route to a process or a fuel gas system the collected organic hazardous air pollutants vapors.

Waste management unit means the equipment, structure(s), and/or device(s) used to convey, store, treat, or dispose of wastewater streams or residuals. Examples of waste management units include: Wastewater tanks, surface impoundments, individual drain systems, and biological wastewater treatment units. Examples of equipment that may be waste management units include containers, air flotation units, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. If such equipment is used for recovery then it is part of a chemical manufacturing process unit and is not a waste management unit.

Wastewater means water that:

(1) Contains either:

(i) An annual average concentration of Table 9 compounds (as defined in § 63.111 of subpart G of this part) of at least 5 parts per million by weight and has an annual average flow rate of 0.02 liter per minute or greater, or

(ii) An annual average concentration of Table 9 compounds (as defined in § 63.111 of subpart G) of at least 10,000 parts per million by weight at any flow rate, and that

(2) Is discarded from a chemical manufacturing process unit that meets all of the criteria specified in § 63.100 (b)(1) through (b)(3) of this subpart.

Wastewater is process wastewater or maintenance wastewater.

§ 63.102 General standards.

(a) Owners and operators of sources subject to this subpart shall comply with the requirements of subparts G and H of this part.

(1) The provisions set forth in this subpart F and subpart G of this part shall apply at all times except during periods of start-up or shutdown (as defined in § 63.101 of this subpart), malfunction, or non-operation of the chemical manufacturing process unit (or specific portion thereof) resulting in cessation of the emissions to which this subpart F and subpart G of this part apply. However, if a start-up, shutdown, malfunction or period of non-operation of one portion of a chemical manufacturing process unit does not affect the ability of a particular emission point to comply with the specific provisions to which it is subject, then that emission point shall still be required to comply with the applicable provisions of this subpart F and subpart G of this part during the start-up, shutdown, malfunction or period of non-operation. For example, if there is an overpressure in the reactor area, a storage vessel in the chemical manufacturing process unit would still be required to be controlled in accordance with § 63.119 of subpart G of the part. Similarly, the degassing of a storage vessel would not affect the ability of a process vent to meet the requirements of § 63.113 of subpart G of this part.

(2) The provisions set forth in subpart H of this part shall apply at all times except during periods of start-up or shutdown, as defined in § 63.101(b) of this subpart, malfunction, process unit shutdown (as defined in § 63.161 of subpart H of this part), or non-operation of the chemical manufacturing process unit (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which subpart H of this part applies.

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with the provisions of this subpart F, subpart G or H of this part during times when emissions (or, where applicable, wastewaters streams or residuals) are being routed to such items of equipment, if the shutdown would contravene requirements of this subpart F, subpart G or H of this part applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning, or if the owner or operator must shut down the equipment to avoid damage due to a contemporaneous start-up, shutdown, or malfunction of the chemical manufacturing process unit or portion thereof.

(4) During start-ups, shutdowns, and malfunctions when the requirements of this subpart F, subparts G and/or H of this part do not apply pursuant to paragraphs (a)(1) through (a)(3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. For purposes of this paragraph, the term ‘‘excess emissions’’ means emissions in excess of those that would have occurred if there were no start-up, shutdown, or malfunction and the owner or operator complied with the relevant provisions of this subpart F, subparts G and/or H of this part. The measures to be taken shall be identified in the applicable start-up, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices,

pollution prevention, monitoring, and/or changes in the manner of operation of the source. Back-up control devices are not required, but may be used if available.

(b) If, in the judgment of the Administrator, an alternative means of emission limitation will achieve a reduction in organic HAP emissions at least equivalent to the reduction in organic HAP emissions from that source achieved under any design, equipment, work practice, or operational standards in subpart G or H of this part, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(1) The notice may condition the permission on requirements related to the operation and maintenance of the alternative means.

(2) Any notice under paragraph (b) of this section shall be published only after public notice and an opportunity for a hearing.

(3) Any person seeking permission to use an alternative means of compliance under this section shall collect, verify, and submit to the Administrator information showing that the alternative means achieves equivalent emission reductions.

(c) Each owner or operator of a source subject to this subpart shall obtain a permit under 40 CFR part 70 or part 71 from the appropriate permitting authority by the date determined by 40 CFR part 70 or part 71, as appropriate.

(1) If the EPA has approved a State operating permit program under 40 CFR Part 70, the permit shall be obtained from the State authority. If the State operating permit program has not been approved, the source shall apply to the EPA Regional Office.

(2) [Reserved]

(d) The requirements in subparts F, G, and H of this part are Federally enforceable under section 112 of the Act on and after the dates specified in § 63.100(k) of this subpart.

§ 63.103 General compliance, reporting, and recordkeeping provisions.

(a) Table 3 of this subpart specifies the provisions of subpart A that apply and those that do not apply to owners and operators of sources subject to subparts F, G, and H of this part.

(b) Initial performance tests and initial compliance determinations shall be required only as specified in subparts G and H of this part.

(1) Performance tests and compliance determinations shall be conducted according to the schedule and procedures in § 63.7(a) of subpart A of this part and the applicable sections of subparts G and H of this part.

(2) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 calendar days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test.

(3) Performance tests shall be conducted according to the provisions of § 63.7(e) of subpart A of this part, except that performance tests shall be conducted at maximum representative operating conditions for the process. During the performance test, an owner or operator may operate the control or recovery device at maximum or minimum representative operating conditions for monitored control or recovery device parameters, whichever results in lower emission reduction.

(4) Data shall be reduced in accordance with the EPA-approved methods specified in the applicable subpart or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.

(5) Performance tests may be waived with approval of the Administrator as specified in § 63.7(h)(2) of subpart A of this part. Owners or operators of sources subject to subparts F, G, and H of this part who apply for a waiver of a performance test shall submit the application by the dates specified in paragraph (b)(5)(i) of this section rather than the dates specified in § 63.7(h)(3) of subpart A of this part.

(i) If a request is made for an extension of compliance under § 63.151(a)(6) of subpart G or § 63.6(i) of subpart A of this part, 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, the application for a waiver of an initial performance test shall be submitted no later than 90 calendar days before the Notification of Compliance Status required in § 63.152(b) of subpart G of this part is due to be submitted.

(ii) 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 source performing the required test.

(6) The owner or operator of a flexible operation unit shall conduct all required compliance demonstrations during production of the primary product. The owner or operator is not required to conduct compliance demonstrations for operating conditions during production of a product other than the primary product. Except as otherwise provided in this subpart or in subpart G or subpart H of this part, as applicable, the owner or operator shall operate each control device, recovery device, and/or recapture device that is required or used for compliance, and associated monitoring systems, without regard for whether the product that is being produced is the primary product or a different product. Except as otherwise provided in this subpart, subpart G and/or subpart H of this part, as applicable, operation of a control device, recapture device and/or recovery device required or used for compliance such that the daily average of monitored parameter values is outside the parameter range established pursuant to Sec. 63.152(b)(2), or such that the monitoring data show operation inconsistent with the monitoring plan established pursuant to Sec. 63.120(d)(2) or Sec. 63.181(g)(1)(iv), shall constitute a violation of the required operating conditions.

(c) Each owner or operator of a source subject to subparts F, G, and H of this part shall keep copies of all applicable reports and records required by subparts F, G, and H of this part for at least 5 years; except that, if subparts G or H require records to be maintained for a time period different than 5 years, those records shall be maintained for the time specified in subpart G or H of this part. If an owner or operator submits copies of reports to the applicable EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of § 63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of reports.

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request. The remaining four and one-half years of records may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.

(2) The owner or operator subject to subparts F, G, and H of this part shall keep the records specified in this paragraph, as well as records specified in subparts G and H.

(i) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment or of air pollution control equipment or continuous monitoring systems used to comply with this subpart F, subpart G, or H of this part during which excess emissions (as defined in § 63.102(a)(4)) occur.

(ii) For each start-up, shutdown, and malfunction during which excess emissions (as defined in § 63.102(a)(4)) occur, records that the procedures specified in the source's start-up, shutdown, and malfunction plan were followed, and documentation of actions taken that are not consistent with the plan. For example, if a start-up, shutdown, and malfunction plan includes procedures for routing a control device to a backup control device (e.g., the incinerator for a halogenated stream could be routed to a flare during periods when the primary control device is out of service), records must be kept of whether the plan was followed. These records may take the form of a ''checklist,'' or other form of recordkeeping that confirms conformance with the start-up, shutdown, and malfunction plan for the event.

(iii) For continuous monitoring systems used to comply with subpart G of this part, records documenting the completion of calibration checks and maintenance of continuous monitoring systems that are specified in the manufacturer's instructions or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(3) Records of start-up, shutdown and malfunction and continuous monitoring system calibration and maintenance are not required if they pertain solely to Group 2 emission points, as defined in § 63.111 of subpart G of this part, that are not included in an emissions average.

(d) All reports required under subparts F, G, and H of this part shall be sent to the Administrator at the addresses listed in § 63.13 of subpart A of this part, except that requests for permission to use an alternative means of compliance as provided for in § 63.102(b) of this subpart and application for approval of a nominal efficiency as provided for in § 63.150 (i)(1) through (i)(6) of subpart G of this part shall be submitted to the Director of the EPA Office of Air Quality Planning and Standards rather than to the Administrator or delegated authority.

(1) Wherever subpart A of this part specifies ''postmark'' dates, submittals may be sent by methods other than the U.S. Mail (e.g., by fax or courier). Submittals shall be sent on or before the specified date.

(2) If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.

(e) The owner or operator of a chemical manufacturing process unit which meets the criteria of § 63.100(b)(1) and § 63.100(b)(3), but not the criteria of § 63.100(b)(2), shall comply with the requirements of either paragraph (e)(1) or (e)(2) of this section.

(1) Retain information, data, and analysis used to determine that the chemical manufacturing process unit does not use as a reactant or manufacture as a product or co-product any organic hazardous air pollutant. Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(2) When requested by the Administrator, demonstrate that the chemical manufacturing process unit does not use as a reactant or manufacture as a product or co-product any organic hazardous air pollutant.

(f) To qualify for the exemption specified in § 63.100(b)(4) of this subpart, the owner or operator shall maintain the documentation of the information required pursuant to § 63.100(b)(4)(i), and documentation of any update of this information requested by the EPA Regional Office, and shall provide the documentation to the EPA Regional Office upon request. The EPA Regional Office will notify the owner or operator, after reviewing such documentation, if the source does not qualify for the exemption specified in § 63.100(b)(4) of this section. In such cases, compliance with subpart H shall be required no later than 90 days after expiration of the applicable compliance date in § 63.100(k)(3), but in no event earlier than 90 days after the date of such

notification by the EPA Regional Office. Compliance with this subpart F and subpart G of this part shall be no later than April 22, 1997, or as otherwise specified in § 63.100(k)(2)(ii) of this subpart, unless an extension has been granted by the EPA Regional Office or permitting authority as provided in § 63.6(i) of subpart A of this part.

(g) An owner or operator who elects to use the compliance extension provisions of § 63.100(k)(6)(i) or (ii) shall submit a compliance extension request to the appropriate EPA Regional Office no later than 45 days before the applicable compliance date in § 63.100(k)(3), but in no event is submittal required earlier than May 10, 1995. The request shall contain the information specified in § 63.100(k)(5)(iv) and the reason compliance can not reasonably be achieved without a process unit shutdown, as defined in 40 CFR 63.161 or without replacement of the compressor or recasting of the distance piece.

(h) An owner or operator who elects to use the compliance extension provisions of § 63.100(k)(8) shall submit to the appropriate EPA Regional Office a brief description of the process change, identify the HAP eliminated, and the expected date of cessation of use or production of HAP. The description shall be submitted no later than May 10, 1995, or with the Notice of Compliance Status as required in § 63.182(c) of subpart H, whichever is later.

§ 63.104 Heat exchange system requirements.

(a) Unless one or more of the conditions specified in paragraphs (a)(1) through (a)(6) of this section are met, owners and operators of sources subject to this subpart shall monitor each heat exchange system used to cool process equipment in a chemical manufacturing process unit meeting the conditions of § 63.100 (b)(1) through (b)(3) of this subpart, except for chemical manufacturing process units meeting the condition specified in § 63.100(c) of this subpart, according to the provisions in either paragraph (b) or (c) of this section. Whenever a leak is detected, the owner or operator shall comply with the requirements in paragraph (d) of this section.

(1) The heat exchange system is operated with the minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(2) There is an intervening cooling fluid, containing less than 5 percent by weight of total hazardous air pollutants listed in table 4 of this subpart, between the process and the cooling water. This intervening fluid serves to isolate the cooling water from the process fluid and the intervening fluid is not sent through a cooling tower or discharged. For purposes of this section, discharge does not include emptying for maintenance purposes.

(3) The once-through heat exchange system is subject to a National Pollution Discharge Elimination System (NPDES) permit with an allowable discharge limit of 1 part per million or less above influent concentration or 10 percent or less above influent concentration, whichever is greater.

(4) The once-through heat exchange system is subject to an NPDES permit that:

(i) Requires monitoring of a parameter(s) or condition(s) to detect a leak of process fluids into cooling water;

(ii) Specifies or includes the normal range of the parameter or condition;

(iii) Requires monitoring for the parameters selected as leak indicators no less frequently than monthly for the first six months and quarterly thereafter; and

(iv) Requires the owner or operator to report and correct leaks to the cooling water when the parameter or condition exceeds the normal range.

(5) The recirculating heat exchange system is used to cool process fluids that contain less than 5 percent by weight of total hazardous air pollutants listed in table 4 of this subpart.

(6) The once-through heat exchange system is used to cool process fluids that contain less than 5 percent by weight of total hazardous air pollutants listed in table 9 of subpart G of this part.

(b) The owner or operator who elects to comply with the requirements of paragraph (a) of this section by monitoring the cooling water for the presence of one or more organic hazardous air pollutants or other representative substances whose presence in cooling water indicates a leak shall comply with the requirements specified in paragraphs (b)(1) through (b)(6) of this section. The cooling water shall be monitored for total hazardous air pollutants, total volatile organic compounds, total organic carbon, one or more speciated HAP compounds, or other representative substances that would indicate the presence of a leak in the heat exchange system.

(1) The cooling water shall be monitored monthly for the first 6 months and quarterly thereafter to detect leaks.

(2) (i) For recirculating heat exchange systems (cooling tower systems), the monitoring of speciated hazardous air pollutants or total hazardous air pollutants refers to the hazardous air pollutants listed in table 4 of this subpart.

(ii) For once-through heat exchange systems, the monitoring of speciated hazardous air pollutants or total hazardous air pollutants refers to the hazardous air pollutants listed in table 9 of subpart G of this part.

(3) The concentration of the monitored substance(s) in the cooling water shall be determined using any EPA-approved method listed in part 136 of this chapter as long as the method is sensitive to concentrations as low as 10 parts per million and the same method is used for both en-trance and exit samples. Alternative methods may be used upon approval by the Administrator.

(4) The samples shall be collected either at the entrance and exit of each heat exchange system or at locations where the cooling water enters and exits each heat exchanger or any combination of heat exchangers.

(i) For samples taken at the entrance and exit of recirculating heat exchange systems, the entrance is the point at which the cooling water leaves the cooling tower prior to being returned to the process equipment and the exit is the point at which the cooling water is introduced to the cooling tower after being used to cool the process fluid.

(ii) For samples taken at the entrance and exit of once-through heat exchange systems, the entrance is the point at which the cooling water enters and the exit is the point at which the cooling water exits the plant site or chemical manufacturing process units.

(iii) For samples taken at the entrance and exit of each heat exchanger or any combination of heat exchangers in chemical manufacturing process units, the entrance is the point at which the cooling water enters the individual heat exchanger or group of heat exchangers and the exit is the point at which the cooling water exits the heat exchanger or group of heat exchangers.

(5) A minimum of three sets of samples shall be taken at each entrance and exit as defined in paragraph (b)(4) of this section. The average entrance and exit concentrations shall then be calculated. The concentration shall be corrected for the addition of any makeup water or for any evaporative losses, as applicable.

(6) A leak is detected if the exit mean concentration is found to be greater than the entrance mean using a one-sided statistical procedure at the 0.05 level of significance and the amount by which it is greater is at least 1 part per million or 10 percent of the entrance mean, whichever is greater.

(c) The owner or operator who elects to comply with the requirement of paragraph (a) of this section by monitoring using a surrogate indicator of heat exchange system leaks shall comply

with the requirements specified in paragraphs (c)(1) through (c)(3) of this section. Surrogate indicators that could be used to develop an acceptable monitoring program are ion specific electrode monitoring, pH, conductivity or other representative indicators.

(1) The owner or operator shall prepare and implement a monitoring plan that documents the procedures that will be used to detect leaks of process fluids into cooling water. The plan shall require monitoring of one or more surrogate indicators or monitoring of one or more process parameters or other conditions that indicate a leak. Monitoring that is already being conducted for other purposes may be used to satisfy the requirements of this section. The plan shall include the information specified in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

(i) A description of the parameter or condition to be monitored and an explanation of how the selected parameter or condition will reliably indicate the presence of a leak.

(ii) The parameter level(s) or conditions(s) that shall constitute a leak. This shall be documented by data or calculations showing that the selected levels or conditions will reliably identify leaks. The monitoring must be sufficiently sensitive to determine the range of parameter levels or conditions when the system is not leaking. When the selected parameter level or condition is outside that range, a leak is indicated.

(iii) The monitoring frequency which shall be no less frequent than monthly for the first 6 months and quarterly thereafter to detect leaks.

(iv) The records that will be maintained to document compliance with the requirements of this section.

(2) If a substantial leak is identified by methods other than those described in the monitoring plan and the method(s) specified in the plan could not detect the leak, the owner or operator shall revise the plan and document the basis for the changes. The owner or operator shall complete the revisions to the plan no later than 180 days after discovery of the leak.

(3) The owner or operator shall maintain, at all times, the monitoring plan that is currently in use. The current plan shall be maintained on-site, or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request. If the monitoring plan is superseded, the owner or operator shall retain the most recent superseded plan at least until 5 years from the date of its creation. The superseded plan shall be retained on-site (or accessible from a central location by computer or other means that provides access within two hours after a request) for at least 6 months after its creation.

(d) If a leak is detected according to the criteria of paragraph (b) or (c) of this section, the owner or operator shall comply with the requirements in paragraphs (d)(1) and (d)(2) of this section, except as provided in paragraph (e) of this section.

(1) The leak shall be repaired as soon as practical but not later than 45 calendar days after the owner or operator receives results of monitoring tests indicating a leak. The leak shall be repaired unless the owner or operator demonstrates that the results are due to a condition other than a leak.

(2) Once the leak has been repaired, the owner or operator shall confirm that the heat exchange system has been repaired within 7 calendar days of the repair or startup, whichever is later.

(e) Delay of repair of heat exchange systems for which leaks have been detected is allowed if the equipment is isolated from the process. Delay of repair is also allowed if repair is technically infeasible without a shutdown and any one of the conditions in paragraph (e)(1) or (e)(2) of this section is met. All time periods in paragraphs (e)(1) and (e)(2) of this section shall be determined from the date when the owner or operator determines that delay of repair is necessary.

(1) If a shutdown is expected within the next 2 months, a special shutdown before that planned shutdown is not required.

(2) If a shutdown is not expected within the next 2 months, the owner or operator may delay repair as provided in paragraph (e)(2)(i) or (e)(2)(ii) of this section. Documentation of a decision to delay repair shall state the reasons repair was delayed and shall specify a schedule for completing the repair as soon as practical.

(i) If a shutdown for repair would cause greater emissions than the potential emissions from delaying repair, the owner or operator may delay repair until the next shutdown of the process equipment associated with the leaking heat exchanger. The owner or operator shall document the basis for the determination that a shutdown for repair would cause greater emissions than the emissions likely to result from delaying repair as specified in paragraphs (e)(2)(i)(A) and (e)(2)(i)(B) of this section.

(A) The owner or operator shall calculate the potential emissions from the leaking heat exchanger by multiplying the concentration of total hazardous air pollutants listed in table 4 of this subpart in the cooling water from the leaking heat exchanger by the flowrate of the cooling water from the leaking heat exchanger by the expected duration of the delay. The owner or operator may calculate potential emissions using total organic carbon concentration instead of total hazardous air pollutants listed in table 4 of this subpart.

(B) The owner or operator shall determine emissions from purging and depressurizing the equipment that will result from the unscheduled shut-down for the repair.

(ii) If repair is delayed for reasons other than those specified in paragraph (e)(2)(i) of this section, the owner or operator may delay repair up to a maximum of 120 calendar days. The owner shall demonstrate that the necessary parts or personnel were not available.

(f) (1) *Required records*. The owner or operator shall retain the records identified in paragraphs (f)(1)(i) through (f)(1)(iv) of this section as specified in § 63.103(c)(1).

(i) Monitoring data required by this section indicating a leak and the date when the leak was detected, and if demonstrated not to be a leak, the basis for that determination;

(ii) Records of any leaks detected by procedures subject to paragraph (c)(2) of this section and the date the leak was discovered;

(iii) The dates of efforts to repair leaks; and

(iv) The method or procedure used to confirm repair of a leak and the date repair was confirmed.

(2) *Reports.* If an owner or operator invokes the delay of repair provisions for a heat exchange system, the following information shall be submitted in the next semi-annual periodic report required by § 63.152(c) of subpart G of this part. If the leak remains unrepaired, the information shall also be submitted in each subsequent periodic report, until repair of the leak is reported.

(i) The owner or operator shall report the presence of the leak and the date that the leak was detected.

(ii) The owner or operator shall report whether or not the leak has been repaired.

(iii) The owner or operator shall report the reason(s) for delay of repair. If delay of repair is invoked due to the reasons described in paragraph (e)(2) of this section, documentation of emissions estimates must also be submitted.

(iv) If the leak remains unrepaired, the owner or operator shall report the expected date of repair.

(v) If the leak is repaired, the owner or operator shall report the date the leak was successfully repaired.

§ 63.105 Maintenance wastewater requirements.

(a) Each owner or operator of a source subject to this subpart shall comply with the requirements of paragraphs (b) through (e) of this section for maintenance wastewaters containing those organic HAP's listed in table 9 of subpart G of this part.

(b) The owner or operator shall prepare a description of maintenance procedures for management of wastewaters generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdowns (i.e., routine maintenance). The descriptions shall:

(1) Specify the process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities.

(2) Specify the procedures that will be followed to properly manage the wastewater and control organic HAP emissions to the atmosphere; and

(3) Specify the procedures to be followed when clearing materials from process equipment.

(c) The owner or operator shall modify and update the information required by paragraph (b) of this section as needed following each maintenance procedure based on the actions taken and the wastewaters generated in the preceding maintenance procedure.

(d) The owner or operator shall implement the procedures described in paragraphs (b) and (c) of this section as part of the start-up, shutdown, and malfunction plan required under § 63.6(e)(3) of subpart A of this part.

(e) The owner or operator shall maintain a record of the information required by paragraphs (b) and (c) of this section as part of the start-up, shutdown, and malfunction plan required under § 63.6(e)(3) of subpart A of this part.

§ 63.106 Delegation of authority.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a 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 Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to requirements in Sec. Sec. 63.100, 63.102, and 63.104. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart.

(2) Approval of major alternatives to test methods under Sec. 63.7(e)(2)(ii) and (f), as defined in Sec. 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under Sec. 63.8(f), as defined in Sec. 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under Sec. 63.10(f), as defined in Sec. 63.90, and as required in this subpart.

§ 63.107 Identification of process vents subject to this subpart.

(a) The owner or operator shall use the criteria specified in this § 63.107 to determine whether there are any process vents associated with an air oxidation reactor, distillation unit, or reactor that is in a source subject to this subpart. A process vent is the point of discharge to the atmosphere (or the point of entry into a control device, if any) of a gas stream if the gas stream has the characteristics specified in paragraphs (b) through (h) of this section, or meets the criteria specified in paragraph (i) of this section.

(b) Some, or all, of the gas stream originates as a continuous flow from an air oxidation reactor, distillation unit, or reactor during operation of the chemical manufacturing process unit.

(c) The discharge to the atmosphere (with or without passing through a control device) meets at least one of the conditions specified in paragraphs (c)(1) through (3) of this section.

(1) Is directly from an air oxidation reactor, distillation unit, or reactor; or

(2) Is from an air oxidation reactor, distillation unit, or reactor after passing solely *(i.e.,* without passing through any other unit operation for a process purpose) through one or more recovery devices within the chemical manufacturing process unit; or

(3) Is from a device recovering only mechanical energy from a gas stream that comes either directly from an air oxidation reactor, distillation unit, or reactor, or from an air oxidation reactor, distillation unit, or reactor after passing solely *(i.e.,* without passing through any other unit operation for a process purpose) through one or more recovery devices within the chemical manufacturing process unit.

(d) The gas stream contains greater than 0.005 weight percent total organic HAP at the point of discharge to the atmosphere (or at the point of entry into a control device, if any).

(e) The air oxidation reactor, distillation unit, or reactor is part of a chemical manufacturing process unit that meets the criteria of § 63.100(b).

(f) The gas stream is in the gas phase from the point of origin at the air oxidation reactor, distillation unit, or reactor to the point of discharge to the atmosphere (or to the point of entry into a control device, if any).

(g) The gas stream is discharged to the atmosphere either on-site, off-site, or both.

(h) The gas stream is not any of the items identified in paragraphs (h)(1) through (9) of this section.

(1) A relief valve discharge.

(2) A leak from equipment subject to subpart H of this part.

(3) A gas stream going to a fuel gas system as defined in § 63.101.

(4) A gas stream exiting a control device used to comply with § 63.113.

(5) A gas stream transferred to other processes (on-site or off-site) for reaction or other use in another process *(i.e.,* for chemical value as a product, isolated intermediate, byproduct, or coproduct, or for heat value).

(6) A gas stream transferred for fuel value *(i.e.*, net positive heating value), use, reuse, or for sale for fuel value, use, or reuse.

(7) A storage vessel vent or transfer operation vent subject to § 63.119 or § 63.126.

(8) A vent from a waste management unit subject to §§ 63.132 through 63.137.

(9) A gas stream exiting an analyzer.

(i) The gas stream would meet the characteristics specified in paragraphs (b) through (g) of this section, but, for purposes of avoiding applicability, has been deliberately interrupted, temporarily liquefied, routed through any item of equipment for no process purpose, or disposed of in a flare that does not meet the criteria in § 63.11(b), or an incinerator that does not reduce emissions of organic HAP by 98 percent or to a concentration of 20 parts per million by volume, whichever is less stringent.

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS

Chemical name[a]	CAS No.[b]	Group
Acenaphthene	83329	V
Acetal	105577	V
Acetaldehyde	75070	II
Acetamide	60355	II
Acetanilide	103844	II
Acetic acid	64197	II
Acetic anhydride	108247	II
Acetoacetanilide	102012	III
Acetone	67641	I
Acetone cyanohydrin	75865	V
Acetonitrile	75058	I
Acetophenone	98862	I
Acrolein	107028	IV
Acrylamide	79061	I
Acrylic acid	79107	IV
Acrylonitrile	107131	I
Adiponitrile	111693	I
Alizarin	72480	V
Alkyl anthraquinones	008	V
Allyl alcohol	107186	I
Allyl chloride	107051	IV
Allyl cyanide	109751	IV
Aminophenol sulfonic acid	0010	V
Aminophenol (p-)	123308	I
Aniline	62533	I
Aniline hydrochloride	142041	III
Anisidine (o-)	90040	II
Anthracene	120127	V
Anthraquinone	84651	III
Azobenzene	103333	I
Benzaldehyde	100527	III
Benzene	71432	I

Benzenedisulfonic acid ..... 98486 I
Benzenesulfonic acid ..... 98113 I
Benzil ..... 134816 III
Benzilic acid ..... 76937 III
Benzoic acid ..... 65850 III
Benzoin ..... 119539 III
Benzonitrile ..... 100470 III
Benzophenone ..... 119619 I
Benzotrichloride ..... 98077 III
Benzoyl chloride ..... 98884 III
Benzyl acetate ..... 140114 III
Benzyl alcohol ..... 100516 III
Benzyl benzoate ..... 120514 III
Benzyl chloride ..... 100447 III
Benzyl dichloride ..... 98873 III
Biphenyl ..... 92524 I
Bisphenol A ..... 80057 III
Bis(Chloromethyl) Ether ..... 542881 I
Bromobenzene ..... 108861 I
Bromoform ..... 75252 V
Bromonaphthalene ..... 27497514 IV
Butadiene (1,3-) ..... 106990 II
Butanediol (1,4-) ..... 110634 I
Butyl acrylate (n-) ..... 141322 V
Butylene glycol (1,3-) ..... 107880 II
Butyrolactone ..... 96480 I
Caprolactam ..... 105602 II
Carbaryl ..... 63252 V
Carbazole ..... 86748 V
Carbon disulfide ..... 75150 IV
Chemical name a CAS No. b Group
Carbon tetrabromide ..... 558134 II
Carbon tetrachloride ..... 56235 I
Carbon tetrafluoride ..... 75730 II
Chloral ..... 75876 II
Chloroacetic acid ..... 79118 II
Chloroacetophenone (2-) ..... 532274 I
Chloroaniline (p-) ..... 106478 II
Chlorobenzene ..... 108907 I
2-Chloro-1,3-butadiene (Chloroprene) 126998 II
Chlorodifluoroethane ..... 25497294 V

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Chlorodifluoromethane	75456	I
Chloroform	67663	I
Chloronaphthalene	25586430	IV
Chloronitrobenzene(m-)	121733	I

Chloronitrobenzene(o-)..... 88733 I
Chloronitrobenzene(p-)..... 100005 I
Chlorophenol (m-) ..... 108430 II
Chlorophenol (o-) ..... 95578 II
Chlorophenol (p-) ..... 106489 II
Chlorotoluene (m-) ..... 108418 III
Chlorotoluene (o-) ..... 95498 III
Chlorotoluene (p-) ..... 106434 III
Chlorotrifluoromethane ..... 75729 II
Chrysene ..... 218019 V
Cresol and cresylic acid (m-) ..... 108394 III
Cresol and cresylic acid (o-) ..... 95487 III
Cresol and cresylic acid (p-) ..... 106445 III
Cresols and cresylic acids (mixed) ... 1319773 III
Cumene ..... 98828 I
Cumene hydroperoxide ..... 80159 I
Cyanoacetic acid ..... 372098 II
Cyclohexane ..... 110827 I
Cyclohexanol ..... 108930 I
Cyclohexanone ..... 108941 I
Cyclohexylamine ..... 108918 III
Cyclooctadienes ..... 29965977 II
Decahydronaphthalene ..... 91178 IV
Diacetoxy-2-Butene (1,4-) ..... 0012 V
Diaminophenol hydrochloride ..... 137097 V
Dibromomethane ..... 74953 V
Dichloroaniline (mixed isomers) ..... 27134276 I
Dichlorobenzene (p-) ..... 106467 I
Dichlorobenzene (m-) ..... 541731 I
Dichlorobenzene (o-) ..... 95501 I
Dichlorobenzidine(3,3'-).....91941 I
Dichlorodifluoromethane ..... 75718 I
Dichloroethane (1,2-)(Ethylenedichloride) (EDC).107062 I
Dichloroethyl ether (bis(2-chloroethyl)ether).111444 I
Dichloroethylene (1,2-) ..... 540590 II
Dichlorophenol (2,4-) ..... 120832 III
Dichloropropene (1,3-) ..... 542756 II
Dichlorotetrafluoro-ethane. 1320372 V
Dichloro-1-butene (3,4-) ..... 760236 II
Dichloro-2-butene (1,4-) ..... 764410 V

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Diethanolamine (2,2'-Iminodiethanol)	111422	I
Diethyl sulfate	64675	II
Diethylamine	109897	IV
Diethylaniline (2,6-)	579668	V
Diethylene glycol	111466	I

Diethylene glycol dibutyl ether ..... 112732 I
Diethylene glycol diethyl ether .....112367 I
Diethylene glycol dimethyl ether ....111966 I
Diethylene glycol monobutyl ether acetate.124174 I
Diethylene glycol monobutyl ether .....112345 I
Diethylene glycol monoethyl ether acetate.112152 I
Diethylene glycol monoethyl ether .... 111900 I
Diethylene glycol monohexyl ether ... 112594 V
Diethylene glycol monomethyl ether acetate.629389 V
Diethylene glycol monomethyl ether.. 111773 I
Dihydroxybenzoic acid (Resorcylic acid).27138574 V
Dimethylbenzidine(3,3'-)..... 119937 II
Dimethyl ether ..... 115106 IV
Dimethylformamide (N,N-) ..... 68122 II
Dimethylhydrazine (1,1-)..... 57147 II
Dimethyl sulfate ..... 77781 I
Dimethyl terephthalate ..... 120616 II
Dimethylamine ..... 124403 IV
Dimethylaminoethanol (2-) ..... 108010 I
Dimethylaniline (N,N') ..... 121697 III
Dinitrobenzenes (NOS) [c] ..... 25154545 I
Dinitrophenol (2,4-) ..... 51285 III
Dinitrotoluene (2,4-) ..... 121142 III
Dioxane (1,4-) (1,4-Diethyleneoxide) ..1239 11I
Dioxolane (1,3-) ..... 646060 I
Diphenyl methane ..... 101815 I
Diphenyl oxide ..... 101848 I
Diphenyl thiourea ..... 102089 III
Diphenylamine ..... 122394 III
Dipropylene glycol ..... 110985 I
Di-o-tolyguanidine ..... 97392 III
Dodecanedioic acid ..... 693232 I
Dodecyl benzene (branched) ..... 123013 V
Dodecyl phenol (branched) ..... 121158585 V
Dodecylaniline ..... 28675174 V
Dodecylbenzene (n-) ..... 121013 I
Dodecylphenol ..... 27193868 III
Epichlorohydrin (1-chloro-2,3-epoxypropane).106898 I
Ethanolamine ..... 141435 I

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Ethyl acrylate	140885	II
Ethylbenzene	100414	I
Ethyl chloride (Chloroethane)	75003	IV
Ethyl chloroacetate	105395	II
Ethylamine	75047	V
Ethylaniline (N-)	103695	III

Ethylaniline (o-)	578541	III	
Ethylcellulose	9004573	V	
Ethylcyanoacetate	105566	V	
Ethylene carbonate	96491	I	
Ethylene dibromide (Dibromoethane)	106934	I	
Ethylene glycol	107211	I	
Ethylene glycol diacetate	111557	I	
Ethylene glycol dibutyl ether	112481	V	
Ethylene glycol diethyl ether (1,2-diethoxyethane).	629141	I	
Ethylene glycol dimethyl ether	110714	I	
Ethylene glycol monoacetate	542596	V	
Ethylene glycol monobutyl ether acetate	112072		I
Ethylene glycol monobutyl ether	111762	I	
Ethylene glycol monoethyl ether acetate	111159		I
Ethylene glycol monoethyl ether	110805	I	
Ethylene glycol monohexyl ether	112254	V	
Ethylene glycol monomethyl ether acetate	110496	I	
Ethylene glycol monomethyl ether	109864	I	
Ethylene glycol monooctyl ether	002	V	
Ethylene glycol monophenyl ether	122996	I	
Ethylene glycol monopropyl ether	2807309	I	
Ethylene oxide	75218	I	
Ethylenediamine	107153	II	
Ethylenediamine tetraacetic acid	60004	V	
Ethylenimine (Aziridine)	151564	II	
Ethylhexyl acrylate (2-isomer)	103117	II	
Fluoranthene	206440	V	
Formaldehyde	50000	I	
Formamide	75127	II	
Formic acid	64186	II	
Fumaric acid	110178	I	
Glutaraldehyde	111308	IV	
Glyceraldehyde	367475	V	
Glycerol	56815	II	
Glycine	56406	II	
Glyoxal	107222	II	
Hexachlorobenzene	118741	II	

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Hexachlorobutadiene	87683	II
Hexachloroethane	67721	II
Hexadiene (1,4-)	592450	II
Hexamethylene- tetramine	100970	I
Hexane	110543	V
Hexanetriol (1,2,6-)	106694	IV
Hydroquinone	123319	I

Hydroxyadipaldehyde	141311	V
Isobutyl acrylate	106638	V
Isobutylene	115117	V
Isophorone	78591	IV
Isophorone nitrile	0017	V
Isophthalic acid	121915	III
Isopropylphenol	25168063	III
Linear alkylbenzene	—[d]	I
Maleic anhydride	108316	I
Maleic hydrazide	123331	I
Malic acid	6915157	I
Metanilic acid	121471	I
Methacrylic acid	79414	V
Methanol	67561	IV
Methionine	63683	I
Methyl acetate	79209	IV
Methyl acrylate	96333	V
Methyl bromide (Bromomethane)	74839	IV
Methyl chloride (Chloromethane)	74873	IV
Methyl ethyl ketone (2-butanone)	78933	V
Methyl formate	107313	II
Methyl hydrazine	60344	IV
Methyl isobutyl carbinol	108112	IV
Methyl isobutyl ketone (Hexone)	108101	IV
Methyl isocyanate	624839	IV
Methyl mercaptan	74931	IV
Methyl methacrylate	80626	IV
Methyl phenyl carbinol	98851	II
Methyl tert-butyl ether	1634044	V
Methylamine	74895	IV
Methylaniline (N-)	100618	III
Methylcyclohexane	108872	III
Methylcyclohexanol	25639423	V
Methylcyclohexanone	1331222	III
Methylene chloride (Dichloromethane)	75092	I
Methylene dianiline (4,4'-isomer)	101779	I
Methylene diphenyl diisocyanate (4,4'-) (MDI)	101688	III

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Methylionones (a-)	79696	V
Methylpentynol	77758	V
Methylstyrene (a-)	98839	I
Naphthalene	91203	IV
Naphthalene sulfonic acid (a-)	85472	IV
Naphthalene sulfonic acid (b-)	120183	IV
Naphthol (a-)	90153	IV
Naphthol (b-)	135193	IV

Naphtholsulfonic acid (1-)	567180	V
Naphthylamine sulfonic acid (1,4-)	84866	V
Naphthylamine sulfonic acid (2,1-)	81163	V
Naphthylamine (1-)	134327	V
Naphthylamine (2-)	91598	V
Nitroaniline (m-)	99092	II
Nitroaniline (o-)	88744	I
Nitroanisole (o-)	91236	III
Nitroanisole (p-)	100174	III
Nitrobenzene	98953	I
Nitronaphthalene (1-)	86577	IV
Nitrophenol (p-)	100027	III
Nitrophenol (o-)	88755	III
Nitropropane (2-)	79469	II
Nitrotoluene (all isomers)	1321126	III
Nitrotoluene (o-)	88722	III
Nitrotoluene (m-)	99081	III
Nitrotoluene (p-)	99990	III
Nitroxylene	25168041	V
Nonylbenzene (branched)	1081772	V
Nonylphenol	25154523	V
Octene-1	111660	I
Octylphenol	27193288	III
Paraformaldehyde	30525894	I
Paraldehyde	123637	II
Pentachlorophenol	87865	III
Pentaerythritol	115775	I
Peracetic acid	79210	II
Perchloromethyl mercaptan	594423	IV
Phenanthrene	85018	V
Phenetidine (p-)	156434	III
Phenol	108952	III
Phenolphthalein	77098	III
Phenolsulfonic acids (all isomers)	1333397	III
Phenyl anthranilic acid (all isomers)	91407	III
Phenylenediamine (p-)	106503	I

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Phloroglucinol	108736	III
Phosgene	75445	IV
Phthalic acid	88993	III
Phthalic anhydride	85449	III
Phthalimide	85416	III
Phthalonitrile	91156	III
Picoline (b-)	108996	II
Piperazine	110850	I
Propiolactone (beta-)	57578	I

Propionaldehyde	123386	IV
Propionic acid	79094	I
Propylene carbonate	108327	V
Propylene dichloride (1,2-dichloropropane)	78875	IV
Propylene glycol	57556	I
Propylene glycol monomethyl ether	107982	I
Propylene oxide	75569	I
Pyrene	129000	V
Pyridine	110861	II
p-tert-Butyl toluene	98511	III
Quinone	106514	III
Resorcinol	108463	I
Salicylic acid	69727	III
Sodium methoxide	124414	IV
Sodium phenate	139026	III
Stilbene	588590	III
Styrene	100425	I
Succinic acid	110156	I
Succinonitrile	110612	I
Sulfanilic acid	121573	III
Sulfolane	126330	II
Tartaric acid	526830	I
Terephthalic acid	100210	II
Tetrabromophthalic anhydride	632791	III
Tetrachlorobenzene (1,2,4,5-)	95943	I
Tetrachloroethane (1,1,2,2-)	79345	II
Tetrachloroethylene (Perchloroethylene)	127184	I
Tetrachlorophthalic-anhydride	117088	III
Tetraethyl lead	78002	IV
Tetraethylene glycol	112607	I
Tetraethylene-pentamine	112572	V
Tetrahydrofuran	109999	I
Tetrahydronapthalene	119642	IV
Tetrahydrophthalic anhydride	85438	II
Tetramethylene-diamine	110601	II

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Tetramethylethylenediamine	110189	V
Tetramethyllead	75741	V
Toluene	108883	I
Toluene 2,4 diamine	95807	II
Toluene 2,4 diisocyanate	584849	II
Toluene diisocyanates (mixture)	26471625	II
Toluene sulfonic acids	104154	III
Toluenesulfonyl chloride	98599	III
Toluidine (o-)	95534	II
Trichloroaniline-(2,4,6-)	634935	III

Trichlorobenzene (1,2,3-) ..... 87616 V
Trichlorobenzene (1,2,4-) ..... 120821 I
Trichloroethane (1,1,1-).....71556 II
Trichloroethane (1,1,2-) (Vinyl tri-chloride).79005 II
Trichloroethylene ..... 79016 I
Trichlorofluoromethane ..... 75694 I
Trichlorophenol (2,4,5-). 95954 I
(1,1,2-) Trichloro (1,2,2-) trifluoroethane.76131 I
Triethanolamine ..... 102716 I
Triethylamine ..... 121448 IV
Triethylene glycol ..... 112276 I
Triethylene glycol dimethyl ether. .....112492 I
Triethylene glycol monoethyl ether ... ..112505 V
Triethylene glycol monomethyl ether ...112356 I
Trimethylamine ..... 75503 IV
Trimethylcyclohexanol ..... 933482 IV
Trimethylcyclo-hexanone..... 2408379 IV
Trimethylcyclo-hexylamine..... 34216347 V
Trimethylolpropane ..... 77996 I
Trimethylpentane (2,2,4-) ..... 540841 V
Tripropylene glycol ..... 24800440 V
Vinyl acetate ..... 108054 II
Vinyl chloride (Chloroethylene) ..... 75014 I
Vinyl toluene ..... 25013154 III
Vinylcyclohexene (4-) ..... 100403 II
Vinylidene chloride (1,1-dichloroethylene).75354 II
Vinyl(N-)-pyrrolidone(2-) ..... 88120 V
Xanthates ..... 140896 V
Xylene sulfonic acid ..... 25321419 III
Xylenes (NOS) c ..... 1330207 I
Xylene (m-) ..... 108383 I
Xylene (o-) ..... 95476 I
Xylene (p-) ..... 106423 I
Xylenols (Mixed) ..... 1300716 V

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Xylidene	1300738	III

[a] Isomer means all structural arrangements for the same number of atoms of each element and does not mean salts, esters, or derivatives.
[b] CAS Number = Chemical Abstract Service number.
[c] NOS = not otherwise specified.
[d] No CAS number assigned.

TABLE 2 TO SUPBART F - ORGANIC HAZARDOUS AIR POLLUTANTS

Chemical name [a,b]	CAS No.[c]
Acenaphthene	83329
Acetaldehyde	75070
Acetamide	60355
Acetonitrile	75058
Acetophenone	98862
Acrolein	107028
Acrylamide	79061
Acrylic acid	79107
Acrylonitrile	107131
Alizarin	72480
Allyl chloride	107051
Aniline	62533
Anisidine (o-)	90040
Anthracene	120127
Anthraquinone	84651
Benzene	71432
Benzotrichloride	98077
Benzyl chloride	100447
Biphenyl	92524
Bis(chloromethyl)ether	542881
Bromoform	75252
Bromonaphthalene	27497514
Butadiene (1,3-)	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Chloroacetic acid	79118
Chloroacetophenone (2-)	532274
Chlorobenzene	108907
2–Chloro-,1,3-butadiene (Chloroprene)	126998
Chloroform	67663

TABLE 2 TO SUPBART F - ORGANIC HAZARDOUS AIR POLLUTANTS (cont'd)

Chemical name [a,b]	CAS No.[c]
Chloronaphthalene	25586430
Chrysene	218019
Cresols and cresylic acids (mixed)	1319773
Cresol and cresylic acid (o-)	95487
Cresol and cresylic acid (m-)	108394
Cresol and cresylic acid (p-)	106445
Cumene	98828
Dichlorobenzene (p-)	106467
Dichlorobenzidine (3,3'-)	91941
Dichloroethane (1,2-) (Ethylene dichloride)(EDC)	107062
Dichloroethylether (Bis(2-chloroethyl)ether)	111444
Dichloropropene (1,3-)	542756

Diethanolamine (2,2'-Iminodiethanol) 111422
Dimethylaniline (N,N-) 121697
Diethyl sulfate 64675
Dimethylbenzidine (3,3'-) 119937
Dimethylformamide (N,N-) 68122
Dimethylhydrazine (1,1-) 58147
Dimethylphthalate 131113
Dimethylsulfate 77781
Dinitrophenol (2,4-) 51285
Dinitrotoluene (2,4-) 121142
Dioxane (1,4-) (1,4–Diethyleneoxide) 123911
1,2–Diphenylhydrazine 122667
Epichlorohydrin (1–Chloro-2,3-epoxypropane) 106898
Ethyl acrylate 140885
Ethylbenzene 100414
Ethyl chloride (Chloroethane) 75003
Ethylene dibromide (Dibromoethane) 106934
Ethylene glycol 107211
Ethylene oxide 75218
Ethylidene dichloride (1,1–Dichloroethane) 75343
Fluoranthene 206440
Formaldehyde 50000
Glycol ethers [d] .
Hexachlorobenzene 118741
Hexachlorobutadiene 87683
Hexachloroethane 67721
Hexane 110543
Hydroquinone 123319
Isophorone 78591
Maleic anhydride 108316
Methanol 67561
Methylbromide (Bromomethane) 74839
Methylchloride (Chloromethane) 74873

TABLE 2 TO SUPBART F - ORGANIC HAZARDOUS AIR POLLUTANTS (cont'd)

Chemical name [a,b] CAS No.[c]

Methyl ethyl ketone (2–Butanone) 78933
Methyl hydrazine 60344
Methyl isobutyl ketone (Hexone) 108101
Methyl isocyanate 624839
Methyl methacrylate 80626
Methyl tert-butyl ether 1634044
Methylene chloride (Dichloromethane) 75092
Methylene diphenyl diisocyanate (4,4'-) (MDI) ... 101688
Methylenedianiline (4,4'-) 101779
Naphthalene 91203
Naphthalene sulfonic acid (a)..... 85472
Naphthalene sulfonic acid (ϑ) 120183
Naphthol (a) 90153

Naphthol (9) 135193
Naphtholsulfonic acid (1-) 567180
Naphthylamine sulfonic acid (1,4-) 84866
Naphthylamine sulfonic acid (2,1-) 81163
Naphthylamine (1-) 134327
Naphthylamine (2-) 91598
Nitronaphthalene (1-) 86577
Nitrobenzene 98953
Nitrophenol (p-) 100027
Nitropropane (2-) 79469
Phenanthrene 85018
Phenol 108952
Phenylenediamine (p-) 106503
Phosgene 75445
Phthalic anhydride 85449
Propiolactone (beta-) 57578
Propionaldehyde 123386
Propylene dichloride (1,2–Dichloropropane) 78875
Propylene oxide 75569
Pyrene 129000
Quinone 106514
Styrene 100425
Tetrachloroethane (1,1,2,2-) 79345
Tetrachloroethylene (Perchloroethylene) 127184
Tetrahydronaphthalene 119642
Toluene 108883
Toluene diamine (2,4-) 95807
Toluene diisocyanate (2,4-) 584849
Toluidine (o-) 95534
Trichlorobenzene (1,2,4-) 120821
Trichloroethane (1,1,1-) (Methyl chloroform) 71556
Trichloroethane (1,1,2-) (Vinyl trichloride) 79005

TABLE 2 TO SUPBART F - ORGANIC HAZARDOUS AIR POLLUTANTS (cont'd)

Chemical name [a,b]	CAS No.[c]
Trichloroethylene	79016
Trichlorophenol (2,4,5-)	95954
Triethylamine	121448
Trimethylpentane (2,2,4-)	540841
Vinyl acetate	108054
Vinyl chloride (Chloroethylene)	75014
Vinylidene chloride (1,1–Dichloroethylene)	75354
Xylenes (NOS)	1330207
Xylene (m-)	108383
Xylene (o-)	95476
Xylene (p-)	106423

[a] For all Listings above containing the word ''Compounds,'' the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance

that contains the named chemical (i.e., antimony, arsenic) as part of that chemical's infrastructure.
[b] Isomer means all structural arrangements for the same number of atoms of each element and does not mean salts, esters, or derivatives.
[c] CAS No. = Chemical Abstract Service number.
[d] Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol
R(OCH2CH2)n-OR
where:

n = 1, 2, or 3;

R = alkyl or aryl groups; and R' = R, H or groups which, when removed, yield glycol ethers with the structure: R-(OCH2CH2)n-OH

Polymers are excluded from the glycol category.

Table 3- General Provisions Applicability to Subparts F, G, and H to Subpart F- Please refer to Appendix to Subpart F

TABLE 4. TO SUBPART F. - ORGANIC HAZARDOUS AIR POLLUTANTS SUBJECT TO COOLING TOWER MONITORING REQUIREMENTS IN § 63.104

Chemical name	CAS Number[a]
Acetaldehyde	75070
Acetonitrile	75058
Acetophenone	98862
Acrolein	107028
Acrylonitrile	107131
Allyl chloride	107051
Aniline	62533
Anisidine (o-)	90040
Benzene	71432
Benzyl chloride	100447
Biphenyl	92524
Bromoform	75252

TABLE 4. TO SUBPART F. - ORGANIC HAZARDOUS AIR POLLUTANTS SUBJECT TO COOLING TOWER MONITORING REQUIREMENTS IN § 63.104 (cont'd)

Chemical name	CAS Number[a]
Butadiene (1,3-)	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Chloroacetophenone (2-)	532274
Chlorobenzene	108907
2–Chloro-1,3-butadiene (Chloroprene)	126998
Chloroform	67663
Cresol and cresylic acid (o-)	95487
Cresol and cresylic acid (m-)	108394
Cresol and cresylic acid (p-)	106445

Cumene 98828
Dichlorobenzene (p-) 106467
Dichlorobenzidine (3,3'-) 91941
Dichloroethane (1,2-) (Ethylene dichloride)(EDC).107062
Dichloroethyl ether (Bis(2-chloroethyl)ether) 111444
Dichloropropene (1,3-) 542756
Diethylene glycol diethyl ether 112367
Diethylene glycol dimethyl ether 111966
Diethyl sulfate 64675
Dimethylaniline (N,N-) 121697
Dimethylhydrazine (1,1-) 57147
Dimethyl phthalate 131113
Dimethyl sulfate 77781
Dinitrophenol (2,4-) 51285
Dinitrotoluene (2,4-) 121142
Dioxane (1,4-) (1,4-Diethyleneoxide) 123911
Epichlorohydrin (1-Chloro-2,3-epoxypropane) 106898
Ethyl acrylate 140885
Ethylbenzene 100414
Ethyl chloride (Chloroethane) 75003
Ethylene dibromide (Dibromoethane) 106934
Ethylene glycol dimethyl ether 110714
Ethylene glycol monobutyl ether 111762
Ethylene glycol monobutyl ether acetate 112072
Ethylene glycol monoethyl ether acetate 111159
Ethylene glycol monoethyl ether 110805
Ethylene glycol monomethyl ether 109864
Ethylene glycol monomethyl ether acetate 110496
Ethylene glycol monopropyl ether 2807309
Ethylene oxide 75218
Ethylidene dichloride (1,1-Dichloroethane) 75343
Formaldehyde 50000
Hexachlorobenzene 118741
Hexachlorobutadiene 87683

TABLE 4. TO SUBPART F. - ORGANIC HAZARDOUS AIR POLLUTANTS SUBJECT TO COOLING TOWER MONITORING REQUIREMENTS IN § 63.104 (cont'd)

Chemical name CAS Number[a]

Hexachloroethane 67721
Hexane 110543
Isophorone 78591
Methanol 67561
Methyl bromide (Bromomethane) 74839
Methyl chloride (Chloromethane) 74873
Methyl ethyl ketone (2–Butanone) 78933
Methyl hydrazine 60344
Methyl isobutyl ketone (Hexone) 108101
Methyl methacrylate 80626
Methyl tert-butyl ether 1634044

Methylene chloride (Dichloromethane) 75092
Methylenedianiline (4,4'-) 101779
Naphthalene 91203
Nitrobenzene 98953
Nitropropane (2-) 79469
Phenol 108952
Phenylenediamine (p-) 106503
Phosgene 75445
Propionaldehyde 123386
Propylene dichloride (1,2-Dichloropropane) 78875
Propylene oxide 75569
Quinone 106514
Styrene 100425
Tetrachloroethane (1,1,2,2-) 79345
Tetrachloroethylene (Perchloroethylene) 127184
Toluene 108883
Toluidine (o-) 95534
Trichlorobenzene (1,2,4-) 120821
Trichloroethane (1,1,1-) (Methyl chloroform) 71556
Trichloroethane (1,1,2-) (Vinyl trichloride) 79005
Trichloroethylene 79016
Trichlorophenol (2,4,5-) 95954
Triethylamine 121448
Trimethylpentane (2,2,4-) 540841
Vinyl acetate 108054
Vinyl chloride (chloroethylene) 75014
Vinylidene chloride (1,1-Dichloroethylene) 75354
Xylene (m-) 108383
Xylene (o-) 95476
Xylene (p-) 106423

[a] CAS Number = Chemical Abstract Service number.

Appendix to Subpart F- General Provisions to Subpart F, G, and H to Subpart F

§ 63.1 Applicability.

(a) *General.*

(1) Terms used throughout this part are defined in § 63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in § 63.2. **Overlap clarified in Sec. 63.101, 63.111, 63.161.**

(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. **Sec. 63.110 and 63.160(b) of subparts G and H identify which standards are overridden.**

(4) **Subpart F specifies applicability of each paragraph in subpart A to Subparts F, G, and H.**

(5) [Reserved]

(6) **[Reserved]**

(7) [Reserved]

(8) [Reserved]

(9) [Reserved]

(10) **Subpart F, G, and H specify calendar or operating day.**

(11) **Subpart F Sec. 63.103(d) specifies acceptable methods for submitting reports.**

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

(13) [Reserved]

(14) [Reserved]

(b) *Initial applicability determination for this part.*

(1) **Subpart F specifies applicability**

(2) [Reserved]

(3) **[Reserved]**

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

(1) Subpart F specifies applicability

(2) Area Sources are not subject to subparts F, G, and H.

(3) [Reserved]

(4) [Reserved]

(5) **Subpart G and H specify applicable notification requirements**

(d) [Reserved]

(e) **Subparts F, G, and H established before permit program.**

§ 63.2 Definitions.

Subpart F Sec. 63.101(a) specifies those subpart A definitions that apply to the HON, Subpart F definition of "source" is equivalent to subpart A definition of "affected source."

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

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

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

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

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

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

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

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in 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 non-compliance 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 enforceable" by EPA;

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

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

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

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

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

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

Fugitive emissions means those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under

section 112 of the Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

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

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

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," and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term "new affected source," which will be the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

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

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

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

(7) Feasibility and cost of monitoring; and

(8) Other relevant factors.

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

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).

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 means the replacement of components of an affected or a previously unaffected stationary source to such an extent that:

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

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

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

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

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

Responsible official means one of the following:

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

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

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

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

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

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

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

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

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

Standard conditions means a temperature of 293 ^{o}K (68° F) and a pressure of 101.3 kilopascals (29.92 in. Hg).

Startup means the setting in operation 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.

§ 63.3 Units and abbreviations.

Units of Measure are spelled out in subparts F, G, and H.

§ 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) [Reserved]

(4) [Reserved]
(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

(3) [Reserved]

(c) *Severability.* Notwithstanding any requirement incorporated into a title V permit obtained by an owner or operator subject to the provisions of this part, the provisions of this part are federally enforceable.

§ 63.5 Preconstruction review and notification requirements.

(a) *Applicability.*

(1) This section implements the preconstruction review requirements of section 112(i)(1) for sources subject to a relevant emission standard that has been promulgated in this part. In addition, this section includes other requirements for constructed and reconstructed stationary sources that are or become subject to a relevant promulgated emission standard. **Except the terms "source" and "stationary source" in Sec. 63.5(a)(1) should be interpreted as having the same meaning as "affected source".**

(2) After the effective date of a relevant standard promulgated under this part, the requirements in this section apply to owners or operators who construct a new source or reconstruct a source after the proposal date of that standard. New or reconstructed sources that start up before the standard's effective date are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

(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. **Except Sec. 63.100(l) defines when construction or reconstruction is subject to standards for new sources.**

(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 § 63.9(b). **Except the cross reference to Sec. 63.9(b) is limited to 63.9(b)(4) and (5). Subpart F overrides 63.9(b)(1) and (3).**

(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. **Except Sec. 63.100(l) defines when construction or reconstruction is subject to standards for new sources.**

(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) **For subpart F, see Sec. 63.151(b)(2)(ii) and (2)(iii) for the applicability and timing of this submittal; for subpart H, see Sec. 63.182(b)(2)(ii) and (b)(2)(iii) for applicability and timing of this submittal.**

(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 § 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) **[Reserved]**

(I) [Reserved]

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

(iii) **Subpart G requires submittal of the Notification of Compliance Status in Sec. 63.152(b); subpart H specifies requirements in Sec. 63.182(c).**

(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*. **[Not applicable for subpart H, except Sec. 63.5(d)(3)(ii) does not apply to subpart G.** 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 re-placements 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 § 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). **Except the cross-reference to Sec. 63.5(d)(1) is changed to Sec. 63.151(b)(2)(ii) of subpart G and to Sec. 63.182(b)(2)(ii) of subpart H. The cross-reference to Sec. 63.5(b)(2) does not apply.**

§ 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 § 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) **[Reserved]**

(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 stringent" must include control technologies or performance criteria and compliance or compliance assurance methods that are different but are substantially equivalent to those required by the promulgated rule, as determined by the Administrator (or his or her authorized representative); and

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

(4) **May apply when standards are proposed under Section 112(f) of the Clean Air Act.**

(5) **Subparts G and H include notification requirements.**

(6) [Reserved]

(7) **[Reserved]**

(c) *Compliance dates for existing sources*.

(1) **Subpart F specifies the compliance dates for subparts G and H.**

(2) **[Reserved]**

(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.* **Except as otherwise specified for individual paragraphs. Does not apply to Group 2 emission points unless they are included in an emissions average.**

(1) (i) **This addressed by Sec. 63.102(a)(4).**

(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. –**For subpart H, the startup, shutdown, and malfunction plan requirement of Sec. 63.6(e)(3)(i) is limited to control devices subject to the provisions of subpart H and is optional for other equipment subject to subpart H. The startup, shutdown and malfunction plan may include written procedures that identify conditions that justify a delay of repair.**

(A) **This addressed by Sec. 63.102(a)(4).**

(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) **Recordkeeping and reporting are specified in Sec. 63.103(c)(2) of subpart F and Sec 63.152(d)(1) of subpart G.**

(iv) **Recordkeeping and reporting are specified in Sec. 63.103(c)(2) of subpart F and Sec 63.152(d)(1) of subpart G.**

(v) **Record retention requirements are specified in Sec. 63.103(c).**

(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; **Except the plan must provide for operation in compliance with Sec. 63.102(a)(4).**

(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 § 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 § 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*. **Sec. 63.102(a) for subpart F specifies when the standard applies.**

(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 § 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 § 63.6(e) and applicable subparts of this part. **Sec. 63.152(c)(2) of subpart G specifies the use of monitoring data in determining compliance with subpart G. [Not applicable for subpart H]**

(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 § 63.7(e) of this subpart; and

(D) **[Reserved]**

(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*.

Procedures specified in Sec. 63.102(b) of Subpart F.

(h) *Compliance with opacity and visible emission standards* -
[Reserved]

(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*. For **subpart G, Sec. 63.151(a)(6) specifies procedures; for subpart H, Sec. 63.182(a)(6)(i) specifies procedures.**

(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) **Dates are specified in Sec. 63.151(a)(6)(i) of subpart G and Sec. 63.182(a)(6)(i) of subpart H.**

(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) **[Reserved]**

(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;

(C) [Reserved]

(D) [Reserved]

(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.

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.*

(1) **Subparts F, G, and H specify required testing and compliance demonstration procedures.**

(2) **For Subpart G, test results must be submitted in the Notification of Compliance Status due 150 days after compliance date, as specified in Sec. 63.152(b); for subpart H, all test results subject to reporting are reported in periodic reports.**

(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.*

[Reserved]

(c) *Quality assurance program*.

[Reserved]

(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 § 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 § 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 § 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) **Subparts F, G, and H specify applicable methods and provide alternatives.**

(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* -

Subparts F, G, and H specify test methods and procedures.

(g) *Data analysis, recordkeeping, and reporting.*

Performance test reporting specified in Sec. 63.152(b); for subpart G; Not applicable to subpart H because no performance test required by subpart H.

(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. **Sec. 63.103(b)(5) of subpart F specifies provisions for requests to waive performance tests.**

(4) Approval of request to waive performance test. **[Reserved]**

(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.

§ 63.8 Monitoring requirements.

(a) *Applicability.*

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

(2) **[Reserved]**

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in § 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 § 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 § 63.90(a) for definition).

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

(2) **Subparts G and H specify locations to conduct monitoring.**

(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 § 63.6(e)(1).

(ii) **For subpart G, submit as part of periodic report required by Sec. 63.152 ©; for subpart H, retain as required by Sec. 63.181(g)(2)(ii).**

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

(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 § 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) **Subpart G specifies monitoring frequency by kind of emission point and control technology used (e.g. Sec. 63.111, Sec. 63.120(d)(2) and Sec. 63.152(f)); subpart H does not require use of continuous monitoring systems.**

(5)-(8) [Reserved]

(d) *Quality control program.*

[Reserved]

(e) *Performance evaluation of continuous monitoring systems* -

[Reserved]

(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 § 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.* **Timeframe for submitting request specified in Sec. 63.151(f) or (g) of subpart G; not applicable to subpart H because subpart h specifies acceptable alternative methods.**

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

(iii) **[Reserved]**

(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) **[Reserved]**

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such

source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by § 63.8(f).

(6) Alternative to the relative accuracy test. **Subparts G and H do not require continuous emission monitoring.**

(g) *Reduction of monitoring data.* **Data reduction procedures specified in Sec. 63.152(f) and (g) of subpart G; not applicable to subpart H.**

§ 63.9 Notification requirements.

(a) *Applicability and general information.*

(1) The applicability of this section is set out in § 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 § 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) **Specified in Sec. 63.151(b)(2) of Subpart G; in Sec. 63.182(b) of subpart H.**

(2) **Initial Notification provisions are specified in Sec. 63.151(b) of Subpart G; in Sec. 63.182(b) of subpart H.**

(3) [Reserved]

(4) **Except that the notification in Sec. 63.9(b)(4)(i) shall be submitted at the time specified in Sec. 63.151(b)(2)(ii) of subpart G; in Sec. 63.182(b)(2) of subpart H.** The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under § 63.5(d) must provide the following information in writing to the Administrator:

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

(ii) [Reserved]

(iii) [Reserved]

(iv) [Reserved]; and

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

(5) **Except that the notification in Sec. 63.9(b)(5) shall be submitted at the time specified in Sec. 63.151(b)(2)(ii) of subpart G; in Sec. 63.182(b)(2) of subpart H.** The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under § 63.5(d) must provide the following information in writing to the Administrator:

(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 § 63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in § 63.5(d)(1)(i).

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

(d) *Notification that source is subject to special compliance requirements*. An owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and § 63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) *Notification of performance test*. **[Reserved]**

(f) *Notification of opacity and visible emission observations*. **[Reserved]**

(g) *Additional notification requirements for sources with continuous monitoring systems*.
[Reserved]

(h) *Notification of compliance status.*

Sec. 63.152(b) of subpart G and 63.182(c) of subpart H specify Notification of Compliance Status requirements.

(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*. **[Reserved]**

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information*.

(1) The applicability of this section is set out in § 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 § 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 § 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 § 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 § 63.9(i).

(b) *General recordkeeping requirements*.

(1) **Sec. 63.103(c) of subpart F specifies record retention requirements.**

(2) **Sec. 63.103(c) of subpart F specifies required records.**

(3) *Recordkeeping requirement for applicability determinations.* **[Reserved]**

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems*.

[Reserved]

(d) *General reporting requirements*.

(1) **[Reserved]**

(2) *Reporting results of performance tests*. **Sec. 152.(b) of subpart G specifies record retention requirements.**

(3) *Reporting results of opacity or visible emission observations*. **[Reserved]**

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

(5) (i) Periodic startup, shutdown, and malfunction reports. **Except that reports required by Sec. 63.10(d)(5) shall be submitted at the time specified in Sec. 63.152(d) of subpart G and in Sec. 63.182(d) in Subpart H.** 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 Sec. 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 Sec. 63.9(i).

(e) *Additional reporting requirements for sources with continuous monitoring systems* - **[Reserved]**

(f) *Waiver of recordkeeping or reporting requirements.*

(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of record-keeping or reporting is made, the application shall accompany the request for an extension of compliance under § 63.6(i), any required compliance progress report or compliance status report required under this part (such as under § 63.6(i) and § 63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(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.

§ 63.11 Control device requirements.

(a) *Applicability*. The applicability of this section is set out in Sec. 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 V_{max}, as determined by the following equation:

$$V_{max} = (X_{H2} - K_1) * K_2$$

Where:

V_{max} = Maximum permitted velocity, m/sec.

K_1 = Constant, 6.0 volume-percent hydrogen.

K_2 = Constant, 3.9 (m/sec)/volume-percent hydrogen.

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in § 63.14).

(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 MJ/scm (200 Btu/scf) or greater if the flare 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 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C.

K = Constant = 1.740×10^{-7} (1/ppmv)(g-mole/scm)(MJ/kcal); where the standard temperature for (g-mole/scm) is 20 °C.

C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946–77 or 90 (Reapproved 1994) (incorporated by reference as specified in § 63.14).

H_i = Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809-95. (incorporated by reference as specified in § 63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

(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 V_{max}, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

$$Log_{10}(V_{max})=(H_T+28.8)/31.7$$

Where:
V_{max} = Maximum permitted velocity, m/sec.
28.8 = Constant.
31.7 = Constant.
H_T = 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 V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$$V_{max} = 8.71 + 0.708(H_T)$$

Where:
V_{max} = Maximum permitted velocity, m/sec.
8.71 = Constant.
0.708 = Constant.
H_T = The net heating value as determined in paragraph (b)(6)(ii) of this section.

§ 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.

§ 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 as follows:

EPA Region IV; Director; Air, Pesticides and Toxics, Management Division; Atlanta Federal Center, 61 Forsyth Street; Atlanta, GA 30303.

(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.

§ 63.14 Incorporations by reference.

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, 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.

(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 § 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 § 63.788, Appendix A.

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 63.11(b)(6).

(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for § 63.788, Appendix A.

(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for § 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 § 63.111 of Subpart G.

(9) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for § 63.786(b).

(10) ASTM 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for § 63.365(e)(1) of Subpart O.

(11) ASTM D3792-91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for § 63.788, Appendix A.

(12) ASTM D3912-80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 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 § 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 § 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 § 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 § 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 § 63.786(b).

(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b)(2) and 63.786(b)(5).

(19) Reserved

(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 § 63.5350.

(24) ASTM D2697-86(1998) (Reapproved 1998), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, IBR approved for §§63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(25) ASTM D6093-97, Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, IBR approved for §§63.4141(b)(1), 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 §§ 63.4141(b)(3) and 63.4141(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 Sec. 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 §§ 63.5799 and 63.5850.

(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 § 63.111 of subpart G of this part.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for § 63.150(g)(3)(i)(C) of subpart G of this part.

(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 § 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 § 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 § 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 § 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 § 63.99(a)(8)(ii)-(v) 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 § 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 § 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 § 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 § 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 § 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 § 63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for § 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 § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus -- P2O5 or Ca3(PO4)2, Method A-Volumetric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method C -- Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method A -- Volumetric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method C --

Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(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," IBR approved for Sec. 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," IBR approved for Sec. 63.1206(c)(6)(iii).

(3) ANSI/ASME PTC 19.10-1981, ``Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]," IBR approved for Sec. Sec. 63.865(b), 63.3360(e)(1)(iii), 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 63.9323(a)(3).

(j) [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," (Revision 2, April 1998) as published in EPA Publication SW-846: ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." The incorporation by reference of Method 9071B is approved for Section 63.7824(e) of Subpart FFFFF of this part.

§ 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.

{Last updated 6/25/03}

Subpart G - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

Sec.

§ 63.112 Emission standard;
§ 63.113 Process vent provisions;
§ 63.114 Process vent provisions - monitoring requirements;
§ 63.115 Process vent provisions - methods and procedures for process vent group determination;
§ 63.116 Process vent provisions - performance test methods and procedures to determine compliance;
§ 63.117 Process vent provisions - reporting and recordkeeping requirements for group and TRE determinations and performance tests;
§ 63.118 Process vent provisions - Periodic reporting and recordkeeping requirements;
§ 63.119 Storage vessel provisions - reference control technology;
§ 63.120 Storage vessel provisions - procedures to determine compliance;
§ 63.121 Storage vessel provisions - alternative means of emission limitation;
§ 63.122 Storage vessel provisions - reporting;
§ 63.123 Storage vessel provisions - recordkeeping;
§ 63.126 Transfer operations provisions - reference control technology;
§ 63.127 Transfer operations provisions - monitoring requirements;
§ 63.128 Transfer operations provisions - test methods and procedures;
§ 63.129 Transfer operations provisions - reporting and recordkeeping for performance tests and Notification of Compliance Status;
§ 63.130 Transfer operations provisions - periodic recordkeeping and reporting;
§ 63.132 Process wastewater provisions - general;
§ 63.133 Process wastewater provisions - wastewater tanks;
§ 63.134 Process wastewater provisions - surface impoundments;
§ 63.135 Process wastewater provisions - containers;
§ 63.136 Process wastewater provisions - individual drain systems;
§ 63.137 Process wastewater provisions - oil-water separators;
§ 63.138 Process wastewater provisions - Performance standards for treatment processes managing Group 1 wastewater streams and/or residuals removed from Group 1 wastewater streams;
§ 63.139 Process wastewater provisions - control devices;
§ 63.140 Process wastewater provisions - delay of repair;
§ 63.143 Process wastewater provisions - inspections and monitoring of operations;
§ 63.144 Process wastewater provisions - test methods and procedures for determining applicability and Group 1/Group 2 determinations (determining which wastewater streams require control);
§ 63.145 Process wastewater provisions - test methods and procedures to determine compliance;
§ 63.146 Process wastewater provisions - reporting;
§ 63.147 Process wastewater provisions - recordkeeping;
§ 63.148 Leak inspection provisions;
§ 63.150 Emissions averaging provisions;
§ 63.151 Initial notification and implementation plan;
§ 63.152 General recordkeeping and continuous records.
§ 63.153 Implementation and enforcement.

The “APPENDIX TO SUBPART G – TABLES, FIGURES AND ATTACHMENTS” begins on page 151 of this document.}

§ 63.110 Applicability.

(a) This subpart applies to all process vents, storage vessels, transfer racks, wastewater streams, and in-process equipment subject to § 63.149 within a source subject to subpart F of this part.

(b) *Overlap with other regulations for storage vessels*.

(1) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 1 or Group 2 storage vessel that is also subject to the provisions of 40 CFR part 60, subpart Kb is required to comply only with the provisions of this subpart.

(2) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 1 storage vessel that is also subject to the provisions of 40 CFR part 61, subpart Y is required to comply only with the provisions of this subpart.

(3) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 2 storage vessel that is also subject to the provisions of 40 CFR part 61, subpart Y is required to comply only with the provisions of 40 CFR part 61, subpart Y. The recordkeeping and reporting requirements of 40 CFR part 61, subpart Y will be accepted as compliance with the recordkeeping and reporting requirements of this subpart.

(c) *Overlap with other regulations for transfer racks*.

(1) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 1 transfer rack that is also subject to the provisions of 40 CFR part 61, subpart BB is required to comply only with the provisions of this subpart.

(2) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 2 transfer rack that is also subject to the provisions of 40 CFR part 61, subpart BB is required to comply with the provisions of either paragraph (c)(2)(i) or (c)(2)(ii) of this subpart.

(i) If the transfer rack is subject to the control requirements specified in § 61.302 of 40 CFR part 61, subpart BB, then the transfer rack is required to comply with the control requirements of § 61.302 of 40 CFR part 61, subpart BB. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR part 61, subpart BB or with the testing, monitoring, recordkeeping, and reporting requirements specified in this subpart for Group 1 transfer racks. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in § 63.152(b) of this subpart or in an operating permit application or amendment.

(ii) If the transfer rack is subject only to reporting and recordkeeping requirements under 40 CFR part 61, subpart BB, then the transfer rack is required to comply only with the reporting and recordkeeping requirements specified in this subpart for Group 2 transfer racks and is exempt from the reporting and recordkeeping requirements in 40 CFR part 61, subpart BB.

(d) *Overlap with other regulations for process vents*.

(1) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 1 process vent that is also subject to the provisions of 40 CFR part 60, subpart III is required to comply only with the provisions of this subpart.

(2) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of a Group 2 process vent that is also subject to the provisions of 40 CFR part 60, subpart III shall determine requirements according to paragraphs (d)(2)(i) and (d)(2)(ii) of this section.

(i) If the Group 2 process vent has a TRE value less than 1 as determined by the procedures in 40 CFR part 60, subpart III, the process vent is required to comply with the provisions in paragraphs (d)(2)(i)(A) through (d)(2)(i)(C) of this section.

(A) The provisions in both this subpart and in 40 CFR part 60, subpart III for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this subpart and in 40 CFR part 60, subpart III for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting; and

(C) The control requirements in § 60.612 of 40 CFR part 60, subpart III. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR part 60, subpart III or with the testing, monitoring, reporting, and recordkeeping requirements specified in this subpart for Group 1 process vents. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in § 63.152(b) of this subpart or in an operating permit application
or amendment.

(ii) If the Group 2 process vent has a TRE value greater than or equal to 1 as determined by the procedures in 40 CFR part 60, subpart III, the process vent is required to comply only with the provisions specified in paragraphs (d)(2)(ii)(A) through (d)(2)(ii)(D) of this section.

(A) The provisions in both this subpart and in 40 CFR part 60, subpart III for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this subpart and in 40 CFR part 60, subpart III for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting;

(C) If the provisions of both this subpart and 40 CFR part 60, subpart III require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in this subpart for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(D) If only the provisions of 40 CFR part 60, subpart III require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in 40 CFR part 60, subpart III for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(3) After the compliance dates specified in 63.100 of subpart F of this part, if an owner or operator of a process vent subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart III elects to control the process vent to the levels required in § 63.113 (a)(1) or (a)(2) of this subpart without calculating the TRE index value for the vent according to the procedures specified in § 63.115(d) of this subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping provisions of this subpart and shall be exempt from the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR part 60, subpart III.

(4) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 1 process vent that is also subject to the provisions of 40 CFR part 60, subpart NNN is required to comply only with the provisions of this subpart.

(5) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of a Group 2 process vent that is also subject to the provisions of 40 CFR part 60, subpart NNN shall determine requirements according to paragraphs (d)(5)(i) and (d)(5)(ii) of this section.

(i) If the Group 2 process vent has a TRE value less than 1 as determined by the procedures in 40 CFR part 60, subpart NNN, the process vent is required to comply with the provisions in paragraphs (d)(5)(i)(A) through (d)(5)(i)(C) of this section.

(A) The provisions in both this subpart and in 40 CFR part 60, subpart NNN for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this subpart and in 40 CFR part 60, subpart NNN for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting; and

(C) The control requirements in § 60.662 of 40 CFR part 60, subpart NNN. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR part 60, subpart NNN or with the testing, monitoring, reporting, and recordkeeping requirements specified in this subpart for Group 1 process vents. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in § 63.152(b) of this subpart or in an operating permit application or amendment.

(ii) If the Group 2 process vent has a TRE value greater than or equal to 1 as determined by the procedures in 40 CFR part 60, subpart NNN, the process vent is required to comply only with the provisions specified in paragraphs (d)(5)(ii)(A) through (d)(5)(ii)(D) of this section.

(A) The provisions in both this subpart and in 40 CFR part 60, subpart NNN for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this subpart and in 40 CFR part 60, subpart NNN for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting;

(C) If the provisions of both this subpart and 40 CFR part 60, subpart NNN require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in this subpart for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(D) If only the provisions of 40 CFR part 60, subpart NNN require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in 40 CFR part 60, subpart NNN for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(6) After the compliance dates specified in § 63.100 of subpart F of this part, if an owner or operator of a process vent subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart NNN elects to control the process vent to the levels required in § 63.113(a)(1) or (a)(2) of this subpart without calculating the TRE index value for the vent according to the procedures specified in § 63.115(d) of this subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping provisions of this subpart and shall be exempt from the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR part 60, subpart NNN.

(7) After the compliance dates specified in § 63.100 of subpart F of this part, a Group 1 process vent that is also subject to the provisions of 40 CFR part 60, subpart RRR is required to comply only with the provisions of this subpart.

(8) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of a Group 2 process vent that is also subject to the provisions of 40 CFR part 60, sub-part RRR shall determine requirements according to paragraphs (d)(8)(i) and (d)(8)(ii) of this section.

(i) If the Group 2 process vent has a TRE value less than 1 as determined by the procedures in 40 CFR part 60, subpart RRR, the process vent is required to comply with the provisions in paragraphs (d)(8)(i)(A) through (d)(8)(i)(C) of this section.

(A) The provisions in both this subpart and in 40 CFR part 60, subpart RRR for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this subpart and in 40 CFR part 60, subpart RRR for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting; and

(C) The control requirements in § 60.702 of 40 CFR part 60, subpart RRR. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR part 60, subpart RRR or with the testing, monitoring, reporting, and record-keeping requirements specified in this subpart for Group 1 process vents. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in § 63.152(b) of this subpart or in an operating permit application or amendment.

(ii) If the Group 2 process vent has a TRE value greater than or equal to 1 as determined by the procedures in 40 CFR part 60, subpart RRR, the process vent is required to comply only with the provisions specified in paragraphs (d)(8)(ii)(A) through (d)(8)(ii)(D) of this section.

(A) The provisions in both this subpart and in 40 CFR part 60, subpart RRR for applicability de-termination and the associated recordkeeping and reporting;

(B) The provisions in both this subpart and in 40 CFR part 60, subpart RRR for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting;

(C) If the provisions of both this subpart and 40 CFR part 60, subpart RRR require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in this sub-part for continuous monitoring of recovery device operating parameters and the associated testing, re-porting, and recordkeeping.

(D) If only the provisions of 40 CFR part 60, subpart RRR require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in 40 CFR part 60, subpart RRR for continuous monitoring of recovery device operating parameters and the associated testing, re-porting, and recordkeeping.

(9) After the compliance dates specified in § 63.100 of subpart F of this part, if an owner or operator of a process vent subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart RRR elects to control the process vent to the levels required in § 63.113(a)(1) or (a)(2) of this subpart without calculating the TRE index value for the vent according to the procedures specified in § 63.115(d) of this subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping pro-visions of this subpart and shall be exempt from the testing, monitoring, reporting, and record-keeping provisions of 40 CFR part 60, subpart RRR.

(10) As an alternative to the requirements of paragraphs (d)(2), (d)(3), (d)(5), (d)(6), (d)(8), and/or (d)(9) of this section as applicable, if a chemical manufacturing process unit has equipment subject to the provisions of this subpart and equipment subject to the provisions of 40 CFR part 60, subpart III, NNN, or RRR, the owner or operator may elect to apply this subpart to all such equipment in the chemical manufacturing process unit. If the owner or operator elects this method of compliance, all total organic compounds minus methane and ethane, in such equipment shall be considered for purposes of applicability and compliance with this subpart, as if they were organic hazardous air pollutants. Compliance with the provisions of this subpart, in the manner described in this paragraph, shall be deemed to constitute compliance with 40 CFR part 60, subpart III, NNN, or RRR, as applicable.

(e) *Overlap with other regulations for wastewater*.

(1) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of a Group 1 or Group 2 wastewater stream that is also subject to the provisions of 40 CFR part 61, subpart FF is required to comply with the provisions of both this subpart and 40 CFR part 61, subpart FF. Alternatively, the owner or operator may elect to comply with the provisions of paragraphs (e)(1)(i) and (e)(1)(ii) of this section, which shall constitute compliance with the provisions of 40 CFR part 61, subpart FF.

(i) Comply with the provisions of this subpart; and

(ii) For any Group 2 wastewater stream or organic stream whose benzene emissions are subject to control through the use of one or more treatment processes or waste management units under the provisions of 40 CFR part 61, subpart FF on or after December 31, 1992, comply with the requirements of this subpart for Group 1 wastewater streams.

(2) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of any Group 1 or Group 2 wastewater stream that is also subject to provisions in 40 CFR parts 260 through 272 shall comply with the requirements of either paragraph (e)(2)(i) or (e)(2)(ii) of this section.

(i) For each Group 1 or Group 2 wastewater stream, the owner or operator shall comply with the more stringent control requirements (e.g., waste management units, numerical treatment standards, etc.) and the more stringent testing, monitoring, recordkeeping, and reporting requirements that overlap between the provisions of this subpart and the provisions of 40 CFR parts 260 through 272. The owner or operator shall keep a record of the information used to determine which requirements were the most stringent and shall submit this information if requested by the Administrator; or

(ii) The owner or operator shall submit, no later than four months before the applicable compliance date specified in § 63.100 of subpart F of this part, a request for a case-by-case determination of requirements. The request shall include the information specified in paragraphs (e)(2)(ii)(A) and (e)(2)(ii)(B) of this section.

(A) Identification of the wastewater streams that are subject to this subpart and to provisions in 40 CFR parts 260 through 272, determination of the Group 1/Group 2 status of those streams, determination of whether or not those streams are listed or exhibit a characteristic as specified in 40 CFR part 261, and determination of whether the waste management unit is subject to permitting under 40 CFR part 270.

(B) Identification of the specific control requirements (e.g., waste management units, numerical treatment standards, etc.) and testing, monitoring, recordkeeping, and reporting requirements that overlap between the provisions of this subpart and the provisions of 40 CFR parts 260 through 272.

(f) *Overlap with the Vinyl Chloride NESHAP*.

(1) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of any Group 1 process vent that is also subject to the provisions of 40 CFR part 61, sub-part F shall comply only with the provisions of this subpart.

(2) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of any Group 2 process vent that is also subject to the provisions of 40 CFR part 61, subpart F shall comply with the provisions specified in either paragraph (f)(2)(i) or (f)(2)(ii) of this subpart.

(i) If the process vent is already controlled by a combustion device meeting the requirements of 40 CFR part 61, subpart F, then the owner or operator shall comply with either the associated testing, monitoring, reporting, and recordkeeping pro-visions for Group 1 process vents in this subpart or the testing, monitoring, reporting, and record-keeping provisions of 40 CFR part 61, subpart F. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in § 63.152(b) of this subpart or in an operating permit application or amendment.

(ii) If the process vent is not already controlled by a combustion device, then the owner or operator shall comply with the provisions of both this subpart and 40 CFR part 61, subpart F.

(3) After the compliance dates specified in § 63.100 of subpart F of this part, if an owner or operator of a process vent subject to this subpart that is also subject to the provisions of 40 CFR part 61, subpart F elects to control the process vent to the levels required in § 63.113(a)(1) or (a)(2) of this subpart without calculating the TRE index value for the vent according to the procedures specified in § 63.115(d) of this subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping pro-visions of this subpart and shall be exempt from the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR part 61, subpart F.

(4) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of a Group 1 or Group 2 wastewater stream that is also subject to the provisions of 40 CFR part 61, subpart F shall comply with the pro-visions of either paragraph (f)(4)(i) or (f)(4)(ii) of this section.

(i) The owner or operator shall comply with the provisions of both this subpart and 40 CFR part 61, subpart F or

(ii) The owner or operator may submit, no later than four months before the applicable compliance date specified in § 63.100 of subpart F of this part, information demonstrating how compliance with 40 CFR Part 61, subpart F will also ensure compliance with this subpart. The information shall include a description of the testing, monitoring, reporting, and recordkeeping that will be performed.

(g) *Rules stayed for reconsideration*. Notwithstanding any other provision of this subpart, the effectiveness of subpart G is stayed from October 24, 1994, to April 24, 1995, only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart G.

(h) *Overlap with other regulations for monitoring, recordkeeping, or reporting with respect to combustion devices, recovery devices, or recapture devices.* After the compliance dates specified in § 63.100 of subpart F of this part, if any combustion device, recovery device, or recapture device subject to this subpart is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR part 264, subpart AA or CC, or is subject to monitoring and recordkeeping requirements in 40 CFR part 265, subpart AA or CC and the owner

or operator complies with the periodic reporting requirements under 40 CFR part 264, subpart AA or CC that would apply to the device if the facility had final-permitted status, the owner or operator may elect to comply either with the monitoring, recordkeeping, and reporting requirements of this subpart, or with the monitoring, recordkeeping, and reporting requirements in 40 CFR part 264 and/or 265, as described in this paragraph, which shall constitute compliance with the monitoring, recordkeeping, and reporting requirements of this subpart. The owner or operator shall identify which option has been selected in the Notification of Compliance Status required by § 63.152(b).

(i) Alternative means of compliance

(1) Option to comply with part 65. Owners or operators of CMPU that are subject to Sec. 63.100 may choose to comply with the provisions of 40 CFR part 65 for all Group 1 and Group 2 process vents, Group 1 storage vessels, Group 1 transfer operations, and equipment that are subject to Sec. 63.100, that are part of the CMPU. Other provisions applying to owners or operators who choose to comply with 40 CFR part 65 are provided in 40 CFR 65.1. Group 1 and Group 2 wastewater streams, Group 2 transfer operations, Group 2 storage vessels, and in-process streams are not eligible to comply with 40 CFR part 65 and must continue to comply with the requirements of this subpart and subpart F of this part.

(i) For Group 1 and Group 2 process vents, 40 CFR part 65, subpart D, satisfies the requirements of Secs. 63.102, 63.103, 63.112 through 63.118, 63.148, 63.151, and 63.152.

(ii) For Group 1 storage vessels, 40 CFR part 65, subpart C, satisfies the requirements of Secs. 63.102, 63.103, 63.112, 63.119 through 63.123, 63.148, 63.151, and 63.152.

(iii) For Group 1 transfer racks, 40 CFR part 65, subpart E, satisfies the requirements of Secs. 63.102, 63.103, 63.112, 63.126 through 63.130, 63.148, 63.151, and 63.152.

(iv) For equipment, comply with Sec. 65.160(g).

(2) Part 63, subpart A. Owners or operators who choose to comply with 40 CFR part 65 must also comply with the applicable general provisions of this part 63 listed in table 1A of this subpart. All sections and paragraphs of subpart A of this part that are not mentioned in table 1A of this subpart do not apply to owners or operators who choose to comply with 40 CFR part 65, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with a subpart of 40 CFR part 65 must comply with 40 CFR part 65, subpart A.

§ 63.111 Definitions.

All terms used in this subpart shall have the meaning given them in the Act, in subpart F of this part, and in this section, as follows.

Air oxidation reactor means a device or vessel in which air, or a combination of air and oxygen, is used as an oxygen source in combination with one or more organic reactants to produce one or more organic compounds. Air oxidation reactor includes the product separator and any associated vacuum pump or steam jet.

Automated monitoring and recording system means any means of measuring values of monitored parameters and creating a hard copy or computer record of the measured values that does not require manual reading of monitoring instruments and manual transcription of data values. Automated monitoring and recording systems include, but are not limited to, computerized systems and strip charts.

Annual average concentration, as used in the wastewater provisions, means the flow-weighted annual average concentration, as determined according to the procedures specified in § 63.144(b) of this subpart.

Annual average flow rate, as used in the wastewater provisions, means the annual average flow rate, as determined according to the procedures specified in § 63.144(c).

Batch operation means a noncontinuous operation in which a discrete quantity or batch of feed is charged into a unit operation within a chemical manufacturing process unit and distilled or reacted at one time. Batch operation includes noncontinuous operations in which the equipment is fed intermittently or

discontinuously. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation. After each batch operation, the equipment is generally emptied before a fresh batch is started.

Boiler means any enclosed combustion device that extracts useful energy in the form of steam and is not an incinerator. Boiler also means any industrial furnace as defined in 40 CFR 260.10.

By compound means by individual stream components, not carbon equivalents.

Car-seal means a seal that is placed on a device that is used to change the position of a valve (e.g., from opened to closed) in such a way that the position of the valve cannot be changed without breaking the seal.

Chemical Manufacturing Process Unit means the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. A chemical manufacturing process unit consists of more than one unit operation. For the purpose of this subpart, chemical manufacturing process unit includes air oxidation reactors and their associated product separators and recovery devices; reactors and their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and control devices or systems. A chemical manufacturing process unit is identified by its primary product.

Closed biological treatment process means a tank or surface impoundment where biological treatment occurs and air emissions from the treatment process are routed to either a control device by means of a closed vent system or to a fuel gas system by means of hard-piping. The tank or surface impoundment has a fixed roof, as defined in § 63.111 of this subpart, or a floating flexible membrane cover that meets the requirements specified in § 63.134 of this subpart.

Closed-vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device.

Combustion device means an individual unit of equipment, such as a flare, incinerator, process heater, or boiler, used for the combustion of organic hazardous air pollutant emissions.

Container, as used in the wastewater provisions, means any portable waste management unit that has a capacity greater than or equal to 0.1 m 3 in which a material is stored, transported, treated, or otherwise handled. Examples of containers are drums, barrels, tank trucks, barges, dumpsters, tank cars, dump trucks, and ships.

Continuous record means documentation, either in hard copy or computer readable form, of data values measured at least once every 15 minutes and recorded at the frequency specified in § 63.152(f) or § 63.152(g) of this subpart.

Continuous recorder means a data recording device that either records an instantaneous data value at least once every 15 minutes or records 15-minute or more frequent block average values.

Continuous seal means a seal that forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the floating roof. A continuous seal may be a vapor-mounted, liquid-mounted, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

Continuous vapor processing system means a vapor processing system that treats total organic compound vapors collected from tank trucks or railcars on a demand basis without intermediate accumulation in a vapor holder.

Control device means any combustion device, recovery device, or recapture device. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For process vents, recapture devices are considered control devices but recovery devices are not considered control devices, and for a steam stripper, a primary condenser is not considered a control device.

Cover, as used in the wastewater provisions, means a device or system which is placed on or over a waste management unit containing wastewater or residuals so that the entire surface area is enclosed to minimize air emissions. A cover may have openings necessary for operation, inspection, and maintenance of the waste management unit such as access hatches, sampling ports, and gauge wells provided that each opening is closed when not in use. Examples of covers include a fixed roof installed on a wastewater tank, a lid installed on a container, and an air-supported enclosure installed over a waste management unit.

Distillate receiver means overhead receivers, overhead accumulators, reflux drums, and condenser(s) including ejector-condenser(s) associated with a distillation unit.

Distillation unit means a device or vessel in which one or more feed streams are separated into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and the vapor phases by vaporization and condensation as they approach equilibrium within the distillation unit. Distillation unit includes the distillate receiver, reboiler, and any associated vacuum pump or steam jet.

Duct work means a conveyance system such as those commonly used for heating and ventilation systems. It is often made of sheet metal and often has sections connected by screws or crimping. Hard-piping is not ductwork.

Enhanced biological treatment system or *enhanced biological treatment process* means an aerated, thoroughly mixed treatment unit(s) that contains biomass suspended in water followed by a clarifier that removes biomass from the treated water and recycles recovered biomass to the aeration unit. The mixed liquor volatile suspended solids (biomass) is greater than 1 kilogram per cubic meter homogeneously distributed throughout each aeration unit. The biomass is suspended and aerated in the water of the aeration unit(s) by either submerged air flow or mechanical agitation. A thoroughly mixed treatment unit is a unit that is designed and operated to approach or achieve uniform biomass distribution and organic compound concentration throughout the aeration unit by quickly dispersing the recycled biomass and wastewater entering the unit.

External floating roof means a pontoon-type or double-deck-type cover that rests on the liquid surface in a storage vessel or waste management unit with no fixed roof.

Fill or filling means the introduction of organic hazardous air pollutant into a storage vessel or the introduction of a wastewater stream or residual into a waste management unit, but not necessarily to complete capacity.

First attempt at repair means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere.

Fixed roof means a cover that is mounted on a waste management unit or storage vessel in a stationary manner and that does not move with fluctuations in liquid level.

Flame zone means the portion of the combustion chamber in a boiler or process heater occupied by the flame envelope.

Floating roof means a cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and waste management unit or storage vessel wall.

Flow indicator means a device which indicates whether gas flow is, or whether the valve position would allow gas flow to be, present in a line.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices, or in-process combustion equipment such as furnaces and gas turbines, either singly or in combination.

Group 1 process vent means a process vent for which the vent stream flow rate is greater than or equal to 0.005 standard cubic meter per minute, the total organic HAP concentration is greater than or equal

to 50 parts per million by volume, and the total resource effectiveness index value, calculated according to § 63.115, is less than or equal to 1.0.

Group 2 process vent means a process vent for which the vent stream flow rate is less than 0.005 standard cubic meter per minute, the total organic HAP concentration is less than 50 parts per million by volume or the total resource effectiveness index value, calculated according to § 63.115, is greater than 1.0.

Group 1 storage vessel means a storage vessel that meets the criteria for design storage capacity and stored-liquid maximum true vapor pressure specified in table 5 of this subpart for storage vessels at existing sources, and in table 6 of this subpart for storage vessels at new sources.

Group 2 storage vessel means a storage vessel that does not meet the definition of a Group 1 storage vessel.

Group 1 transfer rack means a transfer rack that annually loads greater than or equal to 0.65 mil-lion liter of liquid products that contain organic hazardous air pollutants with a rack weighted average vapor pressure greater than or equal to 10.3 kilopascals.

Group 2 transfer rack means a transfer rack that does not meet the definition of Group 1 transfer rack.

Group 1 wastewater stream means a wastewater stream consisting of process wastewater as defined in § 63.101 of subpart F at an existing or new source that meets the criteria for Group 1 status in § 63.132(c) of this subpart for Table 9 compounds and/or a wastewater stream consisting of process wastewater at a new source that meets the criteria for Group 1 status in § 63.132(d) of this subpart for Table 8 compounds.

Group 2 wastewater stream means any process wastewater stream that does not meet the definition of a Group 1 wastewater stream.

Halogenated vent stream or *halogenated stream* means a vent stream from a process vent or transfer operation determined to have a mass emission rate of halogen atoms contained in organic compounds of 0.45 kilograms per hour or greater determined by the procedures presented in § 63.115(d)(2)(v) of this subpart.

Halogens and *hydrogen halides* means hydrogen chloride (HCl), chlorine (Cl_2), hydrogen bromide (HBr), bromine (Br_2), and hydrogen fluoride (HF).

Hard-piping means pipe or tubing that is manufactured and properly installed using good engineering judgment and standards such as American National Standards Institute (ANSI) B31–3.

Incinerator means an enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one manufactured or assembled unit with the combustion section; rather, the energy recovery section is a separate section following the combustion section and the two are joined by ducts or connections carrying flue gas. The above energy recovery section limitation does not apply to an energy recovery section used solely to preheat the incoming vent stream or combustion air.

Individual drain system means the stationary system used to convey wastewater streams or residuals to a waste management unit or to discharge or disposal. The term includes hard-piping, all process drains and junction boxes, together with their associated sewer lines and other junction boxes, manholes, sumps, and lift stations, conveying wastewater streams or residuals. A segregated stormwater sewer system, which is a drain and collection system designed and operated for the sole purpose of collecting rainfall runoff at a facility, and which is segregated from all other individual drain systems, is excluded from this definition.

Intermittent vapor processing system means a vapor processing system that employs an intermediate vapor holder to accumulate total organic compound vapors collected from tank trucks or railcars, and treats the accumulated vapors only during automatically controlled cycles.

Internal floating roof means a cover that rests or floats on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel or waste management unit that has a permanently affixed roof.

Junction box means a manhole or access point to a wastewater sewer line or a lift station.

Liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel or waste management unit and the floating roof. The seal is mounted continuously around the circumference of the vessel or unit.

Loading cycle means the time period from the beginning of filling a tank truck or railcar until flow to the control device ceases, as measured by the flow indicator.

Loading rack means a single system used to fill tank trucks and railcars at a single geographic site. Loading equipment and operations that are physically separate (i.e., do not share common piping, valves, and other equipment) are considered to be separate loading racks.

Maximum true vapor pressure means the equilibrium partial pressure exerted by the total organic HAPs in the stored or transferred liquid at the temperature equal to the highest calendar-month average of the liquid storage or transfer temperature for liquids stored or transferred above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored or transferred at the ambient temperature, as determined:

(1) In accordance with methods described in American Petroleum Institute Publication 2517, Evaporative Loss From External Floating-Roof Tanks (incorporated by reference as specified in § 63.14 of subpart A of this part); or

(2) As obtained from standard reference texts; or

(3) As determined by the American Society for Testing and Materials Method D2879–83 (incorporated by reference as specified in § 63.14 of subpart A of this part); or

(4) Any other method approved by the Administrator.

Metallic shoe seal or *mechanical shoe seal* means metal sheets that are held vertically against the wall of the storage vessel by springs, weighted levers, or other mechanisms and connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

Non-automated monitoring and recording system means manual reading of values measured by monitoring instruments and manual transcription of those values to create a record. Non-automated systems do not include strip charts.

Oil-water separator or *organic-water separator* means a waste management unit, generally a tank used to separate oil or organics from water. An oil-water or organic-water separator consists of not only the separation unit but also the forebay and other separator basins, skimmers, weirs, grit chambers, sludge hoppers, and bar screens that are located directly after the individual drain system and prior to additional treatment units such as an air flotation unit, clarifier, or biological treatment unit. Examples of an oil-water or organic-water separator include, but are not limited to, an American Petroleum Institute separator, parallel-plate interceptor, and corrugated-plate interceptor with the associated ancillary equipment.

Open biological treatment process means a biological treatment process that is not a closed biological treatment process as defined in this section.

Operating permit means a permit required by 40 CFR part 70 or part 71.

Organic hazardous air pollutant or *organic HAP* means any of the chemicals listed in table 2 of subpart F of this part.

Organic monitoring device means a unit of equipment used to indicate the concentration level of organic compounds exiting a recovery device based on a detection principle such as infra-red, photoionization, or thermal conductivity.

Point of determination means each point where process wastewater exits the chemical manufacturing process unit.

Note to definition for *point of determination*: The regulation allows determination of the characteristics of a wastewater stream (1) at the point of determination or (2) downstream of the point of determination if corrections are made for changes in flow rate and annual average concentrations of Table 8 or Table 9 compounds as determined in § 63.144 of this subpart. Such changes include losses by air emissions; reduction of annual average concentration or changes in flow rate by mixing with other water or wastewater streams; and reduction in flow rate or annual average concentration by treating or otherwise handling the wastewater stream to remove or destroy hazardous air pollutants.

Point of transfer means:

(1) If the transfer is to an off-site location for control, the point where the conveyance crosses the property line; or

(2) If the transfer is to an on-site location not owned or operated by the owner or operator of the source, the point where the conveyance enters the operation or equipment of the transferee.

Primary fuel means the fuel that provides the principal heat input to the device. To be considered primary, the fuel must be able to sustain operation without the addition of other fuels.

Process heater means a device that transfers heat liberated by burning fuel directly to process streams or to heat transfer liquids other than water.

Process unit has the same meaning as *chemical manufacturing process unit* as defined in this section

Process wastewater stream means a stream that contains process wastewater as defined in § 63.101 of subpart F of this part.

Product separator means phase separators, flash drums, knock-out drums, decanters, degassers, and condenser(s) including ejector-condenser(s) associated with a reactor or an air oxidation reactor.

Product tank, as used in the wastewater provisions, means a stationary unit that is designed to contain an accumulation of materials that are fed to or produced by a process unit, and is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. This term has the same meaning as a product storage vessel.

Product tank drawdown means any material or mixture of materials discharged from a product tank for the purpose of removing water or other contaminants from the product tank.

Rack-weighted average partial pressure means the throughput weighted average of the average maximum true vapor pressure of liquids containing organic HAP transferred at a transfer rack. The rack-weighted average partial pressure shall be calculated using the equation below:

Where:

P = Rack-weighted average partial pressure, kilopascals.

$$P = \frac{\sum P_i G_i}{\sum G_i}$$

P_i = Individual HAP maximum true vapor pressure, kilopascals, = X_i*P, where X_i is the mole fraction of compound i in the liquid.

G_i = Yearly volume of each liquid that contains organic HAP that is transferred at the rack, liters.

i = Each liquid that contains HAP that is transferred at the rack.

Reactor means a device or vessel in which one or more chemicals or reactants, other than air, are combined or decomposed in such a way that their molecular structures are altered and one or more new organic compounds are formed. Reactor includes the product separator and any associated vacuum pump or steam jet.

Recapture device means an individual unit of equipment capable of and used for the purpose of recovering chemicals, but not normally for use, reuse, or sale. For example, a recapture device may recover chemicals primarily for disposal. Recapture devices include, but are not limited to, absorbers, carbon adsorbers, and condensors.

Recovery device means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for fuel value (i.e., net positive heating value), use, reuse or for sale for fuel value, use, or reuse. Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. For purposes of the monitoring, recordkeeping, and reporting requirements of this subpart, recapture devices are considered recovery devices.

Reference control technology for process vents means a combustion device or recapture device used to reduce organic hazardous air pollutant emissions by 98 percent, or to an outlet concentration of 20 parts per million by volume.

Reference control technology for storage vessels means an internal floating roof meeting the specifications of § 63.119(b) of this subpart, an external floating roof meeting the specifications of §

63.119(c) of this subpart, an external floating roof converted to an internal floating roof meeting the specifications of § 63.119(d) of this subpart, or a closed-vent system to a control device achieving 95-percent reduction in organic HAP emissions. For purposes of emissions averaging, these four technologies are considered equivalent.

Reference control technology for transfer racks means a combustion device, recapture device, or recovery device used to reduce organic hazardous air pollutants emissions by 98 percent, or to an outlet concentration of 20 parts per million by volume; or a vapor balancing system.

Reference control technology for wastewater means the use of:

(1) Controls specified in § 63.133 through § 63.137;

(2) A steam stripper meeting the specifications of § 63.138(g) of this subpart or any of the other alternative control measures specified in § 63.138 (b), (c), (e), (f), (g), or (h) of this subpart; and

(3) A control device to reduce by 95 percent (or to an outlet concentration of 20 parts per million by volume for combustion devices or for noncombustion devices controlling air emissions from waste management units other than surface impoundments or containers) the organic hazardous air pollutants emissions in the vapor streams vented from wastewater tanks, oil-water separators, containers, surface impoundments, individual drain systems, and treatment processes (including the design steam stripper) managing wastewater.

Relief valve means a valve used only to release an unplanned, nonroutine discharge. A relief valve discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause that requires immediate venting of gas from process equipment in order to avoid safety hazards or equipment damage.

Residual means any liquid or solid material containing Table 9 compounds that is removed from a wastewater stream by a waste management unit or treatment process that does not destroy organics (nondestructive unit). Examples of residuals from nondestructive wastewater management units are: the organic layer and bottom residue removed by a decanter or organic-water separator and the overheads from a steam stripper or air stripper. Examples of materials which are not residuals are: Silt; mud; leaves; bottoms from a steam stripper or air stripper; and sludges, ash, or other materials removed from wastewater being treated by destructive devices such as biological treatment units and incinerators.

Secondary fuel means a fuel fired through a burner other than the primary fuel burner that provides supplementary heat in addition to the heat provided by the primary fuel.

Sewer line means a lateral, trunk line, branch line, or other conduit including, but not limited to, grates, trenches, etc., used to convey wastewater streams or residuals to a downstream waste management unit.

Simultaneous loading means, for a shared control device, loading of organic HAP materials from more than one transfer arm at the same time such that the beginning and ending times of loading cycles coincide or overlap and there is no interruption in vapor flow to the shared control device.

Single-seal system means a floating roof having one continuous seal that completely covers the space between the wall of the storage vessel and the edge of the floating roof. This seal may be a vapor-mounted, liquid-mounted, or metallic shoe seal.

Specific gravity monitoring device means a unit of equipment used to monitor specific gravity and having a minimum accuracy of ±0.02 specific gravity units.

Steam jet ejector means a steam nozzle which discharges a high-velocity jet across a suction chamber that is connected to the equipment to be evacuated.

Surface impoundment means a waste management unit which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or waste containing free liquids. A surface impoundment is used for the purpose of treating, storing, or disposing of wastewater or residuals, and is not an injection well. Examples of surface impoundments are equalization, settling, and aeration pits, ponds, and lagoons.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a chemical manufacturing process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

Table 8 compound means a compound listed in table 8 of this subpart.

Table 9 compound means a compound listed in table 9 of this subpart.

Temperature monitoring device means a unit of equipment used to monitor temperature and having a minimum accuracy of (a) ±1 percent of the temperature being monitored expressed in degrees Celsius (°C), or (b) ±0.5 degrees Celsius (°C), whichever is greater.

The 33/50 program means a voluntary pollution prevention initiative established and administered by the EPA to encourage emissions reductions of 17 chemicals emitted in large volumes by industrial facilities. The EPA Document Number 741–K–92–001 provides more information about the 33/50 program.

Total organic compounds or *TOC*, as used in the process vents provisions, means those compounds measured according to the procedures of Method 18 of 40 CFR part 60, appendix A.

Total resource effectiveness index value or *TRE index value* means a measure of the supplemental total resource requirement per unit reduction of organic HAP associated with a process vent stream, based on vent stream flow rate, emission rate of organic HAP, net heating value, and corrosion properties (whether or not the vent stream contains halogenated compounds), as quantified by the equations given under § 63.115 of this subpart.

Treatment process means a specific technique that removes or destroys the organics in a wastewater or residual stream such as a steam stripping unit, thin-film evaporation unit, waste incinerator, biological treatment unit, or any other process applied to wastewater streams or residuals to comply with § 63.138 of this subpart. Most treatment processes are conducted in tanks. Treatment processes are a subset of waste management units.

Vapor collection system, as used in the transfer provisions, means the equipment used to collect and transport organic HAP vapors displaced during the loading of tank trucks or railcars. This does not include the vapor collection system that is part of any tank truck or railcar vapor collection manifold system.

Vapor-mounted seal means a continuous seal that completely covers the annular space between the wall of the storage vessel or waste management unit and the edge of the floating roof and is mounted such that there is a vapor space between the stored liquid and the bottom of the seal.

Vent stream, as used in the process vent provisions, means the gas stream flowing through the process vent.

Waste management unit means the equipment, structure(s), and/or device(s) used to convey, store, treat, or dispose of wastewater streams or residuals. Examples of waste management units include: Wastewater tanks, surface impoundments, individual drain systems, biological wastewater treatment units. Examples of equipment that may be waste management units include containers, air flotation units, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. If such equipment is used for recovery, then it is part of a chemical manufacturing process unit and is not a waste management unit.

Wastewater stream means a stream that contains only wastewater as defined in § 63.101 of subpart F of this part.

Wastewater tank means a stationary waste management unit that is designed to contain an accumulation of wastewater or residuals and is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. Wastewater tanks used for flow equalization are included in this definition.

Water seal controls means a seal pot, p-leg trap, or other type of trap filled with water (e.g., flooded sewers that maintain water levels adequate to prevent air flow through the system) that creates a water barrier between the sewer line and the atmosphere. The water level of the seal must be maintained in the vertical leg of a drain in order to be considered a water seal.

§ 63.112 Emission standard.

(a) The owner or operator of an existing source subject to the requirements of this subpart shall control emissions of organic HAPs to the level represented by the following equation:

$$E_A = 0.02\sum EPV_1 + \sum EPV_2 + 0.05\sum ES_1 + \sum ES_2 + 0.02\sum ETR_1 + \sum ETR_2 + \sum EWW_{1C} + \sum EWW_2$$

where:
E_A = Emission rate, megagrams per year, allowed for the source.
$0.02\Sigma EPV_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 process vents, as defined in § 63.111 of this subpart.
ΣEPV_2 = Sum of the emissions, megagrams per year, from all Group 2 process vents as defined in § 63.111 of this subpart.
$0.05\Sigma ES_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 storage vessels, as defined in § 63.111 of this subpart.
ΣES_2 = Sum of the emissions, megagrams per year, from all Group 2 storage vessels, as defined in § 63.111 of this subpart.
$0.02\Sigma ETR_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 transfer racks, as defined in § 63.111 of this subpart.
ΣETR_2 = Sum of the emissions, megagrams per year, from all Group 2 transfer racks, as defined in § 63.111 of this subpart.
ΣEWW_{1C} = Sum of the residual emissions from all Group 1 wastewater streams, as defined in § 63.111 of this subpart. This term is calculated for each Group 1 stream according to the equation for EWW_{1C} in § 63.150(g)(5)(i) of this subpart.
ΣEWW_2 = Sum of emissions from all Group 2 wastewater streams, as defined in § 63.111 of this subpart.
The emissions level represented by this equation is dependent on the collection of emission points in the source. The level is not fixed and can change as the emissions from each emission point change or as the number of emission points in the source changes.

(b) The owner or operator of a new source subject to the requirements of this subpart shall control emissions of organic HAPs to the level represented by the equation in paragraph (a) of this section.

(c) The owner or operator of an existing source shall demonstrate compliance with the emission standard in paragraph (a) of this section by following the procedures specified in paragraph (e) of this section for all emission points, or by following the emissions averaging compliance approach specified in paragraph (f) of this section for some emission points and the procedures specified in paragraph (e) of this section for all other emission points within the source.

(d) The owner or operator of a new source shall demonstrate compliance with the emission standard in paragraph (b) of this section only by following the procedures in paragraph (e) of this section. The owner or operator of a new source may not use the emissions averaging compliance approach.

(e) The owner or operator of an existing or new source may comply with the process vent provisions in §§ 63.113 through 63.118 of this subpart, the storage vessel provisions in §§ 63.119 through 63.123 of this subpart, the transfer operation provisions in §§ 63.126 through 63.130 of this subpart, the wastewater provisions in §§ 63.131 through 63.147 of this subpart, the leak inspection provisions in § 63.148, and the provisions in § 63.149 of this subpart.

(1) The owner or operator using this compliance approach shall also comply with the requirements of § 63.151 and § 63.152 of this subpart, as applicable.

(2) The owner or operator using this compliance approach is not required to calculate the annual emission rate specified in paragraph (a) of this section.

(3) When emissions of different kinds (e.g., emissions from process vents, transfer operations, storage vessels, process wastewater, and/or in-process equipment subject to § 63.149 of this subpart) are combined, and at least one of the emission streams would be classified as Group 1 in the absence of combination with other emission streams, the owner or operator shall comply with the requirements of either paragraph (e)(3)(i) or paragraph (e)(3)(ii) of this section.

(i) Comply with the applicable requirements of this subpart for each kind of emissions in the stream (e.g., the requirements in §§ 63.113 through 63.118 of this subpart G for process vents, and the requirements of §§ 63.126 through 63.130 for transfer operations); or

(ii) Comply with the first set of requirements identified in paragraphs (e)(3)(ii)(A) through (e)(3)(ii)(E) of this section which applies to any individual emission stream that is included in the combined stream, where either that emission stream would be classified as Group 1 in the absence of combination with other emission streams, or the owner chooses to consider that emission stream to be Group 1 for purposes of this paragraph. Compliance with the first applicable set of requirements identified in paragraphs (e)(3)(ii)(A) through (e)(3)(ii)(E) of this section constitutes compliance with all other requirements in paragraphs (e)(3)(ii)(A) through (e)(3)(ii)(E) of this section applicable to other types of emissions in the combined stream.

(A) The requirements of this subpart for Group 1 process vents, including applicable monitoring, recordkeeping, and reporting;

(B) The requirements of this subpart for Group 1 transfer racks, including applicable monitoring, recordkeeping, and reporting;

(C) The requirements of § 63.119(e) for control of emission from Group 1 storage vessels, including monitoring, recordkeeping, and reporting;

(D) The requirements of § 63.139 for control devices used to control emissions from waste management units, including applicable monitoring, recordkeeping, and reporting; or

(E) The requirements of § 63.139 for closed vent systems for control of emissions from in-process equipment subject to § 63.149, including applicable monitoring, recordkeeping, and reporting.

(f) The owner or operator of an existing source may elect to control some of the emission points within the source to different levels than specified under §§ 63.113 through 63.148 of this subpart by using an emissions averaging compliance approach as long as the overall emissions for the source do not exceed the emission level specified in paragraph (a) of this section. The owner or operator using emissions averaging must meet the requirements in paragraphs (f)(1) and (f)(2) of this section.

(1) Calculate emission debits and credits for those emission points involved in the emissions average as specified in § 63.150 of this subpart; and

(2) Comply with the requirements of § 63.151 and § 63.152 of this subpart, as applicable.

(g) A State may restrict the owner or operator of an existing source to using only the procedures in paragraph (e) of this section to comply with the emission standard in paragraph (a) of this section.

(h) Where the provisions of this subpart require a performance test, waiver of that requirement shall be addressed only as provided in § 63.103(b)(5) of subpart F of this part.

§ 63.113 Process vent provisions.

(a) The owner or operator of a Group 1 process vent as defined in this subpart shall comply with the requirements of paragraph (a)(1), (2), or (3) of this section. The owner or operator who transfers a gas stream that has the characteristics specified in § 63.107 (b) through (h) or meets the criteria specified in § 63.107(i)

to an off-site location or an on-site location not owned or operated by the owner or operator of the source for disposal shall comply with the requirements of paragraph (i) of this section.

(1) Reduce emissions of organic HAP using a flare.

(i) The flare shall comply with the requirements of § 63.11(b) of subpart A of this part.

(ii) Halogenated vent streams, as defined in § 63.111 of this subpart, shall not be vented to a flare.

(2) Reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen, and compliance can be determined by measuring either organic hazardous air pollutants or total organic carbon using the procedures in § 63.116 of this subpart.

(i) Compliance with paragraph (a)(2) of this section may be achieved by using any combination or combustion, recovery, and/or recapture devices, except that a recovery device may not be used to comply with paragraph (a)(2) of this section by reducing emission of total organic hazardous air pollutants by 98 weight-percent, except as provided in paragraph (a)(2)(ii) of this section.

(ii) An owner or operator may use a recovery device, alone or in combination with one or more combustion or recapture devices, to reduce emissions of total organic hazardous air pollutants by 98 weight-percent if all the conditions of paragraphs (a)(2)(ii)(A) through (a)(2)(ii)(D) of this section are met.

(A) The recovery device (and any combustion device or recapture device which operates in combination with the recovery device to reduce emissions of total organic hazardous air pollutants by 98 weight-percent) was installed before the date of proposal of the subpart of the part 63 that makes this subpart G applicable to process vents in the chemical manufacturing process unit.

(B) The recovery device that will be used to reduce emissions of total organic hazardous air pollutants by 98 weight-percent is the last recovery device before emission to the atmosphere.

(C) The recovery device, alone or in combination with one or more combustion or recapture devices, is capable of reducing emissions of total organic hazardous air pollutants by 98 weight-percent, but is not capable of reliably reducing emission of total organic hazardous air pollutants to a concentration of 20 part per million by volume.

(D) If the owner or operator disposed of the recovered material, the recovery device would comply with the requirements of this subpart for recapture devices.

(3) Achieve and maintain a TRE index value greater than 1.0 at the outlet of the final recovery device, or prior to release of the vent stream to the atmosphere if no recovery device is present. If the TRE index value is greater than 1.0, the process vent shall comply with the provisions for a Group 2 process vent specified in either paragraph (d) or (e) of this section, whichever is applicable.

(b) If a boiler or process heater is used to comply with the percent reduction requirement or concentration limit specified in paragraph (a)(2) of this section, then the vent stream shall be introduced into the flame zone of such a device.

(c) Halogenated vent streams that are combusted shall be controlled according to paragraph (c)(1) or (c)(2) of this section.

(1) If a combustion device is used to comply with paragraph (a)(2) of this section for a halogenated vent stream, then the gas stream exiting the combustion device shall be conveyed to halogen reduction device, such as a scrubber, before it is discharged to the atmosphere.

(i) Except as provided in paragraph (c)(1)(ii) of this section, the halogen reduction device shall reduce overall emissions of hydrogen halides and halogens, as defined in § 63.111 of this subpart, by 99 percent or shall reduce the outlet mass of total hydrogen halides and halogens to less than 0.45 kilogram per hour, whichever is less stringent.

(ii) If a scrubber or other halogen reduction device was installed prior to December 31, 1992, the control device shall reduce overall emissions of hydrogen halides and halogens, as defined in § 63.111 of

this subpart, by 95 percent or shall reduce the outlet mass of total hydrogen halides and halogens to less than 0.45 kilograms per hour, whichever is less stringent.

(2) A halogen reduction device, such as a scrubber, or other technique may be used to reduce the vent stream halogen atom mass emission rate to less than 0.45 kilogram per hour prior to any combustion control device, and thus make the vent stream nonhalogenated; the vent stream must comply with the requirements of paragraph (a)(1) or (a)(2) of this section.

(d) The owner or operator of a Group 2 process vent having a flow rate greater than or equal to 0.005 standard cubic meter per minute, a HAP concentration greater than or equal to 50 parts per million by volume, and a TRE index value greater than 1.0 but less than or equal to 4.0 shall maintain a TRE index value greater than 1.0 and shall comply with the monitoring of recovery device parameters in § 63.114(b) or (c) of this subpart, the TRE index calculations of § 63.115 of this subpart, and the applicable reporting and recordkeeping provisions of §§ 63.117 and 63.118 of this subpart. Such owner or operator is not subject to any other provisions of §§ 63.114 through 63.118 of this subpart.

(e) The owner or operator of a Group 2 process vent with a TRE index value greater than 4.0 shall maintain a TRE index value greater than 4.0, comply with the provisions for calculation of TRE index in § 63.115 and the reporting and recordkeeping provisions in § 63.117(b) and § 63.118(c) and (h), and is not subject to monitoring or any other provisions of §§ 63.114 through 63.118.

(f) The owner or operator of a Group 2 process vent with a flow rate less than 0.005 standard cubic meter per minute shall maintain a flow rate less than 0.005 standard cubic meter per minute; comply with the Group determination procedures in § 63.115 (a), (b), and (e) of this subpart; and the reporting and recordkeeping requirements in § 63.117(c) of this subpart, § 63.118(d) of this sub-part, and § 63.118(i) of this subpart; and is not subject to monitoring or any other provisions of §§ 63.114 through 63.118 of this subpart.

(g) The owner or operator of a Group 2 process vent with a total organic HAP concentration less than 50 parts per million by volume shall maintain a total organic HAP concentration less than 50 parts per million by volume; comply with the Group determination procedures in § 63.115 (a), (c), and (e); the reporting and recordkeeping requirements in § 63.117(d) and § 63.118(e) and (j); and is not subject to monitoring or any other provisions of §§ 63.114 through 63.118.

(h) The owner or operator of a process vent complying with paragraph (a)(1) or (a)(2) of this section is not required to perform the group determination described in § 63.115 of this subpart.

(i) Off-site control or on-site control not owned or operated by the source.
This paragraph (i) applies to gas streams that have the characteristics specified in § 63.107(b) through (h) or meet the criteria specified in § 63.107(i); that are transferred for disposal to an on-site control device (or other compliance equipment) not owned or operated by the owner or operator of the source generating the gas stream, or to an off-site control device or other compliance equipment; and that have the characteristics (e.g., flow rate, total organic HAP concentration, or TRE index value) of a Group 1 process vent, determined at the point of transfer.

(1) The owner or operator transferring the gas stream shall:

(i) Comply with the provisions specified in § 63.114(d) for each gas stream prior to transfer.

(ii) Notify the transferee that the gas stream contains organic hazardous air pollutants that are to be treated in accordance with the provisions of this subpart. The notice shall be submitted to the transferee initially and whenever there is a change in the required control.

(2) The owner or operator may not transfer the gas stream unless the transferee has submitted to the EPA a written certification that the transferee will manage and treat any gas stream transferred under this paragraph (i) and received from a source subject to the requirements of this subpart in accordance with the

requirements of either §§ 63.113 through 63.118, or § 63.102(b), or subpart D of this part if alternative emission limitations have been granted the transferor in accordance with those provisions. The certifying entity may revoke the written certification by sending a written statement to EPA and the owner or operator giving at least 90 days notice that the certifying entity is rescinding acceptance of responsibility for compliance with the regulatory provisions listed in this paragraph (i). Upon expiration of the notice period, the owner or operator may not transfer the gas stream to the transferee. Records retained by the transferee shall be retained in accordance with § 63.103(c).

(3) By providing this written certification to EPA, the certifying entity accepts responsibility for compliance with the regulatory provisions listed in paragraph (i)(2) of this section with respect to any transfer covered by the written certification. Failure to abide by any of those provisions with respect to such transfers may result in enforcement action by EPA against the certifying entity in accordance with the enforcement provisions applicable to violations of these provisions by owners or operators of sources.

(4) Written certifications and revocation statements to EPA from the transferees of such gas streams shall be signed by a responsible official of the certifying entity, provide the name and address of the certifying entity, and be sent to the appropriate EPA Regional Office at the addresses listed in § 63.13. Such written certifications are not transferable by the transferee.

§ 63.114 Process vent provisions—monitoring requirements.

(a) Each owner or operator of a process vent that uses a combustion device to comply with the requirements in § 63.113 (a)(1) or (a)(2) of this subpart, or that uses a recovery device or recapture device to comply with the requirements in § 63.113 (a)(2) of this subpart, shall install monitoring equipment specified in paragraph (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section, depending on the type of device used. All monitoring equipment shall be installed, calibrated, maintained, and operated according to manufacturers specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(1) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

(i) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox or in the duct-work immediately downstream of the firebox in a position before any substantial heat exchange occurs.

(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Where a flare is used, the following monitoring equipment is required: A device (including but not limited to a thermocouple, ultra-violet beam sensor, or infrared sensor) capable of continuously detecting the presence of a pilot flame.

(3) Where a boiler or process heater of less than 44 megawatts design heat input capacity is used, the following monitoring equipment is required: a temperature monitoring device in the firebox equipped with a continuous recorder. This requirement does not apply to gas streams that are introduced with primary fuel or are used as the primary fuel.

(4) Where a scrubber is used with an incinerator, boiler, or process heater in the case of halogenated vent streams, the following monitoring equipment is required for the scrubber.

(i) A pH monitoring device equipped with a continuous recorder shall be installed to monitor the pH of the scrubber effluent.

(ii) A flow meter equipped with a continuous recorder shall be located at the scrubber influent for liquid flow. Gas flow rate shall be determined using one of the procedures specified in paragraphs (a)(4)(ii)(A) through (C) of this section.

(A) The owner or operator may determine gas flow rate using the design blower capacity, with appropriate adjustments for pressure drop.

(B) If the scrubber is subject to rules in 40 CFR parts 264 through 266 that have required a determination of the liquid to gas (L/G) ratio prior to the applicable compliance date for this subpart specified in § 63.100(k), the owner or operator may determine gas flow rate by the method that had been utilized to comply with those rules. A determination that was conducted prior to the compliance date for this subpart may be utilized to comply with this subpart if it is still representative.

(C) The owner or operator may prepare and implement a gas flow rate determination plan that documents an appropriate method which will be used to determine the gas flow rate. The plan shall require determination of gas flow rate by a method which will at least provide a value for either a representative or the highest gas flow rate anticipated in the scrubber during representative operating conditions other than startups, shutdowns, or malfunctions. The plan shall include a description of the methodology to be followed and an explanation of how the selected methodology will reliably determine the gas flow rate, and a description of the records that will be maintained to document the determination of gas flow rate. The owner or operator shall maintain the plan as specified in § 63.103(c).

(5) Where a recovery device or recapture device is used to comply with the requirements of § 63.113(a)(2) of this subpart, the owner or operator shall utilize the appropriate monitoring device identified in paragraph (b), (b)(1), (b)(2), or (b)(3) of this section.

(b) Each owner or operator of a process vent with a TRE index value greater than 1.0 as specified under § 63.113(a)(3) or § 63.113(d) of this subpart that uses one or more recovery devices shall install either an organic monitoring device equipped with a continuous recorder or the monitoring equipment specified in paragraph (b)(1), (b)(2), or (b)(3) of this section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturers specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately. Monitoring is not required for process vents with TRE index values greater than 4.0 as specified in § 63.113(e) of this subpart.

(1) Where an absorber is the final recovery device in the recovery system, a scrubbing liquid temperature monitoring device and a specific gravity monitoring device, each equipped with a continuous recorder shall be used;

(2) Where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder shall be used; (3) Where a carbon adsorber is the final recovery device in the recovery system, an integrating regeneration stream flow monitoring device having an accuracy of ±10 percent, capable of recording the total regeneration stream mass or volumetric flow for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle shall be used.

(c) An owner or operator of a process vent may request approval to monitor parameters other than those listed in paragraph (a) or (b) of this section. The request shall be submitted according to the procedures specified in § 63.151(f) or § 63.152(e) of this subpart. Approval shall be requested if the owner or operator:

(1) Uses a combustion device other than an incinerator, boiler, process heater, or flare; or

(2) Maintains a TRE greater than 1.0 but less than or equal to 4.0 without a recovery device or with a recovery device other than the recovery devices listed in paragraphs (a) and (b) of this section; or

(3) Uses one of the combustion or recovery or recapture devices listed in paragraphs (a) and (b) of this section, but seeks to monitor a parameter other than those specified in paragraphs (a) and (b) of this section.

(d) The owner or operator of a process vent shall comply with paragraph (d)(1) or (2) of this section for any bypass line between the origin of the gas stream (i.e., at an air oxidation reactor, distillation unit, or reactor as identified in § 63.107(b)) and the point where the gas stream reaches the process vent, as described in § 63.107, that could divert the gas stream directly to the atmosphere. Equipment such as low leg drains, high

point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph (d).

(1) Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in § 63.118(a)(3). The flow indicator shall be installed at the entrance to any bypass line that could divert the gas stream to the atmosphere; or

(2) Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the gas stream is not diverted through the bypass line.

(e) The owner or operator shall establish a range that indicates proper operation of the control or recovery device for each parameter monitored under paragraphs (a), (b), and (c) of this section. In order to establish the range, the information required in § 63.152(b) of this subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment. The range may be based upon a prior performance test conducted for determining compliance with a regulation promulgated by the EPA, and the owner or operator is not required to conduct a performance test under § 63.116 of this subpart, if the prior performance test was conducted using the same methods specified in § 63.116 and either no process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes.

§ 63.115 Process vent provisions—methods and procedures for process vent group determination.

(a) For purposes of determining vent stream flow rate, total organic HAP or total organic carbon concentration or TRE index value, as specified under paragraph (b), (c), or (d) of this section, the sampling site shall be after the last recovery device (if any recovery devices are present) but prior to the inlet of any control device that is present and prior to release to the atmosphere.

(1) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling site.

(2) No traverse site selection method is needed for vents smaller than 0.10 meter in diameter.

(b) To demonstrate that a vent stream flow rate is less than 0.005 standard cubic meter per minute in accordance with the Group 2 process vent definition of this subpart, the owner or operator shall measure flow rate by the following procedures:

(1) The sampling site shall be selected as specified in paragraph (a) of this section.

(2) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

(c) Each owner or operator seeking to demonstrate that a vent stream has an organic HAP concentration below 50 parts per million by volume in accordance with the Group 2 process vent definition of this subpart shall measure either total organic HAP or TOC concentration using the following procedures:

(1) The sampling site shall be selected as specified in paragraph (a) of this section.

(2) Method 18 or Method 25A of 40 CFR part 60, appendix A shall be used to measure concentration; alternatively, any other method or data that has been validated according to the protocol in Method 301 of appendix A of this part may be used.

(3) Where Method 18 of 40 CFR part 60, appendix A is used, the following procedures shall be used to calculate parts per million by volume concentration:

(i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(ii) The concentration of either TOC (minus methane and ethane) or organic HAP shall be calculated according to paragraph (c)(3)(ii)(A) or (c)(3)(ii)(B) of this section as applicable.

(A) The TOC concentration (C_{TOC}) is the sum of the concentrations of the individual components and shall be computed for each run using the following equation:

$$C_{TOC} = \frac{\sum_{i=1}^{x}\left(\sum_{j=1}^{n} C_{ji}\right)}{X}$$

where:

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

C_{ji} = Concentration of sample component j of the sample i, dry basis, parts per million by volume.

n = Number of components in the sample.

x = Number of samples in the sample run.

(B) The total organic HAP concentration (C_{HAP}) shall be computed according to the equation in paragraph (c)(3)(ii)(A) of this section except that only the organic HAP species shall be summed. The list of organic HAPs is provided in table 2 of subpart F of this part.

(4) Where Method 25A of 40 CFR part 60, appendix A is used, the following procedures shall be used to calculate parts per million by volume TOC concentration:

(i) Method 25A of 40 CFR part 60, appendix A, shall be used only if a single organic HAP compound is greater than 50 percent of total organic HAP, by volume, in the vent stream.

(ii) The vent stream composition may be determined by either process knowledge, test data collected using an appropriate EPA method or a method or data validated according to the protocol in Method 301 of appendix A of this part. Examples of information that could constitute process knowledge include calculations based on material balances, process stoichiometry, or previous test results provided the results are still relevant to the current vent stream conditions.

(iii) The organic HAP used as the calibration gas for Method 25A of 40 CFR part 60, appendix A shall be the single organic HAP compound present at greater than 50 percent of the total organic HAP by volume.

(iv) The span value for Method 25A of 40 CFR part 60, appendix A shall be 50 parts per million by volume.

(v) Use of Method 25A of 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(vi) The owner or operator shall demonstrate that the concentration of TOC including methane and ethane measured by Method 25A of 40 CFR part 60, appendix A is below 25 parts per million by volume to be considered a Group 2 vent with an organic HAP concentration below 50 parts per million by volume and to qualify for the low concentration exclusion in § 63.113(g) of this subpart.

(d) To determine the TRE index value, the owner or operator shall conduct a TRE determination and calculate the TRE index value according to the procedures in paragraph (d)(1) or (d)(2) of this section and the TRE equation in paragraph (d)(3) of this section.

(1) Engineering assessment may be used to determine vent stream flow rate, net heating value, TOC emission rate, and total organic HAP emission rate for the representative operating condition expected to yield the lowest TRE index value.

(i) If the TRE value calculated using such engineering assessment and the TRE equation in paragraph (d)(3) of this section is greater than 4.0, then the owner or operator is not required to perform the measurements specified in paragraph (d)(2) of this section.

(ii) If the TRE value calculated using such engineering assessment and the TRE equation in paragraph (d)(3) of this section is less than or equal to 4.0, then the owner or operator is required to perform the measurements specified in paragraph (d)(2) of this section for group determination or consider the process vent a Group 1 vent and comply with the emission reduction specified in § 63.113(a) of this subpart.

(iii) Engineering assessment includes, but is not limited to, the following:

(A) Previous test results provided the tests are representative of current operating practices at the process unit.

(B) Bench-scale or pilot-scale test data representative of the process under representative operating conditions.

(C) Maximum flow rate, TOC emission rate, organic HAP emission rate, or net heating value limit specified or implied within a permit limit applicable to the process vent.

(D) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to:

(*1*) Use of material balances based on process stoichiometry to estimate maximum organic HAP concentrations,

(*2*) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities,

(*3*) Estimation of TOC or organic HAP concentrations based on saturation conditions,

(*4*) Estimation of maximum expected net heating value based on the stream concentration of each organic compound or, alternatively, as if all TOC in the vent stream were the compound with the highest heating value.

(E) All data, assumptions, and procedures used in the engineering assessment shall be documented.

(2) Except as provided in paragraph (d)(1) of this section, vent stream flow rate, net heating value, TOC emission rate, and total organic HAP emission rate shall be measured and calculated according to the procedures in paragraphs (d)(2)(i) through (v) of this section and used as input to the TRE index value calculation in paragraph (d)(3) of this section.

(i) The vent stream volumetric flow rate (Qs), in standard cubic meters per minute at 20 degrees Celsius, shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate. If the vent stream tested passes through a final steam jet ejector and is not condensed, the stream volumetric flow shall be corrected to 2.3 percent moisture.

(ii) The molar composition of the vent stream, which is used to calculate net heating value, shall be determined using the following methods:

(A) Method 18 of 40 CFR part 60, appendix A to measure the concentration of each organic compound.

(B) American Society for Testing and Materials D1946–77 to measure the concentration of carbon monoxide and hydrogen.

(C) Method 4 of 40 CFR part 60, appendix A to measure the moisture content of the vent stream.

(iii) The net heating value of the vent stream shall be calculated using the following equation:

$$H_T = K_1\left(\sum_{j=1}^{n} C_j H_j\right)\left(1 - B_{ws}\right)$$

where:

H_T = Net heating value of the sample, megaJoule per standard cubic meter, where the net enthalpy per mole of vent stream is based on combustion at 25 °C and 760 millimeters of mercury, but the standard temperature

for determining the volume corresponding to one mole is 20 °C, as in the definition of Q_s (vent stream flow rate).
K_1 = Constant, 1.740 x 10^{-7} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (megaJoule per kilocalorie), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.
B_{ws} = Water vapor content of the vent stream, proportion by volume; except that if the vent stream passes through a final steam jet and is not condensed, it shall be assumed that B_{ws} = 0.023 in order to correct to 2.3 percent moisture.
C_j = Concentration on a dry basis of compound j in parts per million, as measured for all organic compounds by Method 18 of 40 CFR part 60, appendix A and measured for hydrogen and carbon monoxide by American Society for Testing and Materials D1946–77 as indicated in paragraph (d)(2)(ii) of this section.
H_j = Net heat of combustion of compound j, kilocalorie per gram-mole, based on combustion at 25 °C and 760 millimeters mercury. The heats of combustion of vent stream components shall be determined using American Society for Testing and Materials D2382–76 if published values are not available or cannot be calculated.

(iv) The emission rate of TOC (minus methane and ethane) (E_{TOC}) and the emission rate of total organic HAP (E_{HAP}) in the vent stream shall both be calculated using the following equation:

$$E = K_2 \left[\sum_{j=1}^{n} C_j M_j \right] Q_s$$

where:
E = Emission rate of TOC (minus methane and ethane) or emission rate of total organic HAP in the sample, kilograms per hour.
K_2 = Constant, 2.494x10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minutes/hour), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.
C_j = Concentration on a dry basis of organic compound j in parts per million as measured by Method 18 of 40 CFR part 60, appendix A as indicated in paragraph (d)(2)(ii) of this section. If the TOC emission rate is being calculated, C_j includes all organic compounds measured minus methane and ethane; if the total organic HAP emission rate is being calculated, only organic HAP compounds listed in table 2 in subpart F of this part are included.
M_j = Molecular weight of organic compound j, gram/gram-mole.
Q_s = Vent stream flow rate, dry standard cubic meter per minute, at a temperature of 20 °C.

(v) In order to determine whether a vent stream is halogenated, the mass emission rate of halogen atoms contained in organic compounds shall be calculated.

(A) The vent stream concentration of each organic compound containing halogen atoms (parts per million by volume, by compound) shall be determined based on the following procedures:

(*1*) Process knowledge that no halogen or hydrogen halides are present in the process, or

(*2*) Applicable engineering assessment as discussed in paragraph (d)(1)(iii) of this section, or

(*3*) Concentration of organic compounds containing halogens measured by Method 18 of 40 CFR part 60, appendix A, or

(*4*) Any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part.

(B) The following equation shall be used to calculate the mass emission rate of halogen atoms:

$$E = K_2 Q \left(\sum_{j=1}^{n} \sum_{i=1}^{m} C_j \times L_{j,i} \times M_{j,i} \right)$$

where:

E = mass of halogen atoms, dry basis, kilogram per hour.
K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (kilogram-mole per standard cubic meter) (minute/hour), where standard temperature is 20 °C.
C_j = Concentration of halogenated compound j in the gas stream, dry basis, parts per million by volume.
M_{ji} = Molecular weight of halogen atom i in compound j of the gas stream, kilogram per kilogram-mole.
L_{ji} = Number of atoms of halogen i in compound j of the gas stream.
Q = Flow rate of gas stream, dry standard cubic meters per minute, determined according to paragraph (d)(1) or (d)(2)(i) of this section.
j = Halogenated compound j in the gas stream.
i = Halogen atom i in compound j of the gas stream.
n = Number of halogenated compounds j in the gas stream.
m = Number of different halogens i in each compound j of the gas stream.

(3) The owner or operator shall calculate the TRE index value of the vent stream using the equations and procedures in this paragraph.

(i) The equation for calculating the TRE index for a vent stream controlled by a flare or incinerator is as follows:

$$TRE = \frac{1}{E_{HAP}} [a + b(Q_s) + c(H_T) + d(E_{TOC})]$$

where:
TRE = TRE index value.
E_{HAP} = Hourly emission rate of total organic HAP, kilograms per hour, as calculated in paragraph (d)(1) or (d)(2)(iv) of this section.
Q_s = Vent stream flow rate, standard cubic meters per minute, at a standard temperature of 20 °C, as calculated in paragraph (d)(1) or (d)(2)(i) of this section.
H_T = Vent stream net heating value, megaJoules per standard cubic meter, as calculated in paragraph (d)(1) or (d)(2)(iii) of this section.
E_{TOC} = Emission rate of TOC (minus methane and ethane), kilograms per hour, as calculated in paragraph (d)(1) or (d)(2)(iv) of this section.
a,b,c,d = Coefficients presented in table 1 of this subpart, selected in accordance with paragraphs (d)(3)(ii) and (iii) of this section.

(ii) The owner or operator of a nonhalogenated vent stream shall calculate the TRE index value based on the use of a flare, a thermal incinerator with 0 percent heat recovery, and a thermal incinerator with 70 percent heat recovery and shall select the lowest TRE index value. The owner or operator shall use the applicable coefficients in table 1 of this subpart for nonhalogenated vent streams located within existing sources and the applicable coefficients in table 2 of this subpart for nonhalogenated vent streams located within new sources.

(iii) The owner or operator of a halogenated vent stream shall calculate the TRE index value based on the use of a thermal incinerator with 0 percent heat recovery, and a scrubber. The owner or operator shall use the applicable coefficients in table 1 of this subpart for halogenated vent streams located within existing sources and the applicable coefficients in table 2 of this subpart for halogenated vent streams located within new sources.

(e) The owner or operator of a Group 2 process vent shall recalculate the TRE index value, flow, or organic hazardous air pollutants concentration for each process vent, as necessary to determine whether the vent is Group 1 or Group 2, whenever process changes are made that could reasonably be expected to change the vent to a Group 1 vent. Examples of process changes include, but are not limited to, changes in production capacity, production rate, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. For purposes of this paragraph, process changes do not include: Process

upsets; unintentional, temporary process changes; and changes that are within the range on which the original TRE calculation was based.

(1) The TRE index value, flow rate, or organic HAP concentration shall be recalculated based on measurements of vent stream flow rate, TOC, and organic HAP concentrations, and heating values as specified in § 63.115 (a), (b), (c), and (d) of this subpart, as applicable, or on best engineering assessment of the effects of the change. Engineering assessments shall meet the specifications in paragraph (d)(1) of this section.

(2) Where the recalculated TRE index value is less than or equal to 1.0, or less than or equal to 4.0 but greater than 1.0, the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute, or the recalculated concentration is greater than or equal to 50 parts per million by volume, the owner or operator shall submit a report as specified in § 63.118 (g), (h), (i), or (j) of this subpart and shall comply with the appropriate provisions in § 63.113 of this subpart by the dates specified in § 63.100 of subpart F of this part.

(f) Notwithstanding any other provisions of this subpart, in any case where a process vent includes one or more gas streams that are not from a source subject to this subpart (hereafter called ‘‘non-HON streams’’ for purposes of this paragraph), and one or more gas streams that meet the criteria in § 63.107(b) through (h) or the criteria in § 63.107(i) (hereafter called ‘‘HON streams’’ for purposes of this paragraph), the owner or operator may elect to comply with paragraphs (f)(1) through (3) of this section.

(1) The owner or operator may determine the characteristics (flow rate, total organic HAP concentration, and TRE index value) for each HON stream, or combination of HON streams, at a representative point as near as practical to, but before, the point at which it is combined with one or more non-HON streams.

(2) If one or more of the HON streams, or combinations of HON streams, has the characteristics (determined at the location specified in paragraph (f)(1) of this section) associated with a Group 1process vent, the combined vent stream is a Group 1 process vent. Except as specified in paragraph (f)(3) of this section, if none of the HON streams, or combinations of HON streams, when determined at the location specified in paragraph (f)(1) of this section, has the characteristics associated with a Group 1 process vent, the combined vent stream is a Group 2 process vent regardless of the TRE index value determined at the location specified in § 63.115(a). If the combined vent stream is a Group 2 process vent as determined by the previous sentence, but one or more of the HON streams, or combinations of HON streams, has a TRE index value greater than 1 but less than or equal to 4, the combined vent stream is a process vent with a TRE index value greater than 1 but less than or equal to 4. In this case, the owner or operator shall monitor the combined vent stream as required by § 63.114(b).

(3) Paragraphs (f)(1) and (2) of this section are not intended to apply instead of any other subpart of this part. If another subpart of this part applies to one or more of the non-HON streams contributing to the combined vent stream, that subpart may impose emission control requirements such as, but not limited to, requiring the combined vent stream to be classified and controlled as a Group 1 process vent.

§ 63.116 Process vent provisions—performance test methods and procedures to determine compliance.

(a) When a flare is used to comply with § 63.113(a)(1), the owner or operator shall comply with paragraphs (a)(1) through (3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration.

(1) Conduct a visible emission test using the techniques specified in § 63.11(b)(4).

(2) Determine the net heating value of the gas being combusted using the techniques specified in § 63.11(b)(6).

(3) Determine the exit velocity using the techniques specified in either § 63.11(b)(7)(i) (and § 63.11(b)(7)(iii), where applicable) or § 63.11(b)(8), as appropriate.

(b) An owner or operator is not required to conduct a performance test when any control device specified in paragraphs (b)(1) through (b)(5) of this section is used.

(1) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

(2) A boiler or process heater into which the gas stream is introduced with the primary fuel or is used as the primary fuel.

(3) A control device for which a performance test was conducted for determining compliance with a regulation promulgated by the EPA and the test was conducted using the same procedures specified in this section and either no process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes.

(4) A boiler or process heater burning hazardous waste for which the owner or operator:

(i) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H, or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

(5) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

(c) Except as provided in paragraphs (a) and (b) of this section, an owner or operator using a control device to comply with the organic HAP concentration limit or percent reduction efficiency requirements in § 63.113(a)(2) of this subpart shall conduct a performance test using the procedures in paragraphs (c)(1) through (c)(4) of this section. The organic HAP concentration and percent reduction may be measured as either total organic HAP or as TOC minus methane and ethane according to the procedures specified.

(1) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites.

(i) For determination of compliance with the 98 percent reduction of total organic HAP requirement of § 63.113(a)(2) of this subpart, sampling sites shall be located at the inlet of the control device as specified in paragraphs (c)(1)(i)(A) and (c)(1)(i)(B) of this section, and at the outlet of the control device.

(A) The control device inlet sampling site shall be located after the final product recovery device.

(B) If a vent stream is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of the location of the inlet sampling sites shall ensure the measurement of total organic HAP or TOC (minus methane and ethane) concentrations in all vent streams and primary and secondary fuels introduced into the boiler or process heater.

(ii) For determination of compliance with the 20 parts per million by volume total organic HAP limit in § 63.113(a)(2) of this subpart, the sampling site shall be located at the outlet of the control device.

(2) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

(3) To determine compliance with the 20 parts per million by volume total organic HAP limit in § 63.113(a)(2) of this subpart, the owner or operator shall use Method 18 of 40 CFR part 60, appendix A to measure either TOC minus methane and ethane or total organic HAP. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part, may be used. The following procedures shall be used to calculate parts per million by volume concentration, corrected to 3 percent oxygen:

(i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(ii) The concentration of either TOC (minus methane or ethane) or total organic HAP shall be calculated according to paragraph (c)(3)(ii)(A) or (c)(3)(ii)(B) of this section.

(A) The TOC concentration (C_{TOC}) is the sum of the concentrations of the individual components and shall be computed for each run using the following equation:

$$C_{TOC} = \sum_{i=1}^{x} \frac{\sum_{j=1}^{n} C_{ji}}{x}$$

where:

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

C_{ji} = Concentration of sample components j of sample i, dry basis, parts per million by volume.

n = Number of components in the sample.

x = Number of samples in the sample run.

(B) The total organic HAP concentration (C_{HAP}) shall be computed according to the equation in paragraph (c)(3)(ii)(A) of this section except that only the organic HAP species shall be summed. The list of organic HAPs is provided in table 2 of subpart F of this part.

(iii) The concentration of TOC or total organic HAP shall be corrected to 3 percent oxygen if a combustion device is the control device.

(A) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR part 60, appendix A shall be used to determine the oxygen concentration ($\%O_{2d}$). The samples shall be taken during the same time that the TOC (minus methane or ethane) or total organic HAP samples are taken.

(B) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m \left(\frac{17.9}{20.9 - \%O_{2d}} \right)$$

where:

Cc = Concentration of TOC or organic HAP corrected to 3 percent oxygen, dry basis, parts per million by volume.

Cm = Concentration of TOC (minus methane and ethane) or organic HAP, dry basis, parts per million by volume.

$\%O_{2d}$ = Concentration of oxygen, dry basis, percent by volume.

(4) To determine compliance with the 98 percent reduction requirement of § 63.113(a)(2) of this subpart, the owner or operator shall use Method 18 of 40 CFR part 60, appendix A; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part may be used. The following procedures shall be used to calculate percent reduction efficiency:

(i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time such as 15 minute intervals during the run.

(ii) The mass rate of either TOC (minus methane and ethane) or total organic HAP (E_i, E_o) shall be computed.

(A) The following equations shall be used:

$$E_i = K_2 \left(\sum_{j=1}^{n} C_{ij} M_{ij} \right) Q_i \qquad E_o = K_2 \left(\sum_{j=1}^{n} C_{oj} M_{oj} \right) Q_o$$

where:
C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.
E_i, E_o = Mass rate of TOC (minus methane and ethane) or total organic HAP at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.
M_{ij}, M_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.
Q_i, Q_o = Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.
K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilo-gram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

(B) Where the mass rate of TOC is being calculated, all organic compounds (minus methane and ethane) measured by Method 18 of 40 CFR part 60, appendix A are summed using the equation in paragraph (c)(4)(ii)(A) of this section.

(C) Where the mass rate of total organic HAP is being calculated, only the organic HAP species shall be summed using the equation in paragraph (c)(4)(ii)(A) of this section. The list of organic HAPs is provided in table 2 of subpart F of this part.

(iii) The percent reduction in TOC (minus methane and ethane) or total organic HAP shall be calculated as follows:

$$R = \frac{E_i - E_o}{E_i} (100)$$

where:
R = Control efficiency of control device, percent.
E_i = Mass rate of TOC (minus methane and ethane) or total organic HAP at the inlet to the control device as calculated under paragraph (c)(4)(ii) of this section, kilograms TOC per hour or kilograms organic HAP per hour.
E_o = Mass rate of TOC (minus methane and ethane) or total organic HAP at the outlet of the control device, as calculated under paragraph (c)(4)(ii) of this section, kilograms TOC per hour or kilograms organic HAP per hour.

(iv) If the vent stream entering a boiler or process heater with a design capacity less than 44 megawatts is introduced with the combustion air or as a secondary fuel, the weight-percent reduction of total organic HAP or TOC (minus methane and ethane) across the device shall be determined by comparing the TOC (minus methane and ethane) or total organic HAP in all combusted vent streams and primary and secondary fuels with the TOC (minus methane and ethane) or total organic HAP exiting the combustion device, respectively.

(d) An owner or operator using a combustion device followed by a scrubber or other halogen reduction device to control halogenated vent streams in compliance with § 63.113(c)(1) shall conduct a performance test to determine compliance with the control efficiency or emission limits for hydrogen halides and halogens.

(1) For an owner or operator determining compliance with the percent reduction of total hydrogen halides and halogens, sampling sites shall be located at the inlet and outlet of the scrubber or other halogen reduction device used to reduce halogen emissions. For an owner or operator determining compliance with the less than 0.45 kilogram per hour outlet emission limit for total hydrogen halides and halogens, the sampling site shall be located at the outlet of the scrubber or other halogen reduction device and prior to any releases to the atmosphere.

(2) Except as provided in paragraph (d)(5) of this section, Method 26 or Method 26A of 40 CFR part 60, appendix A, shall be used to determine the concentration, in milligrams per dry standard cubic meter, of total hydrogen halides and halogens that may be present in the vent stream. The mass emissions of each

hydrogen halide and halogen compound shall be calculated from the measured concentrations and the gas stream flow rate.

(3) To determine compliance with the percent removal efficiency, the mass emissions for any hydrogen halides and halogens present at the inlet of the scrubber or other halogen reduction device shall be summed together. The mass emissions of the compounds present at the outlet of the scrubber or other halogen reduction device shall be summed together. Percent reduction shall be determined by comparison of the summed inlet and outlet measurements.

(4) To demonstrate compliance with the less than 0.45 kilogram per hour outlet emission limit, the test results must show that the mass emission rate of total hydrogen halides and halogens measured at the outlet of the scrubber or other halogen reduction device is below 0.45 kilogram per hour.

(5) The owner or operator may use any other method to demonstrate compliance if the method or data has been validated according to the applicable procedures of Method 301 of appendix A of this part.

(e) An owner or operator using a scrubber or other halogen reduction device to reduce the vent stream halogen atom mass emission rate to less than 0.45 kilogram per hour prior to a combustion control device in compliance with § 63.113(c)(2) of this subpart shall determine the halogen atom mass emission rate prior to the combustor according to the procedures in § 63.115(d)(2)(v) of this subpart.

§ 63.117 Process vent provisions—reporting and recordkeeping requirements for group and TRE determinations and performance tests.

(a) Each owner or operator subject to the control provisions for Group 1 process vents in § 63.113(a) or the provisions for Group 2 process vents with a TRE index value greater than 1.0 but less than or equal to 4.0 in § 63.113(d) shall:

(1) Keep an up-to-date, readily accessible record of the data specified in paragraphs (a)(4) through (a)(8) of this section, as applicable, and

(2) Include the data in paragraphs (a)(4) through (a)(8) of this section in the Notification of Compliance Status report as specified in § 63.152(b) of this subpart.

(3) If any subsequent TRE determinations or performance tests are conducted after the Notification of Compliance Status has been submitted, report the data in paragraphs (a)(4) through (a)(8) of this section in the next Periodic Report as specified in § 63.152(c) of this subpart.

(4) Record and report the following when using a combustion device to achieve a 98 weight percent reduction in organic HAP or an organic HAP concentration of 20 parts per million by volume, as specified in § 63.113(a)(2) of this subpart:

(i) The parameter monitoring results for incinerators, catalytic incinerators, boilers or process heaters specified in table 3 of this subpart, and averaged over the same time period of the performance testing.

(ii) For an incinerator, the percent reduction of organic HAP or TOC achieved by the incinerator determined as specified in § 63.116(c) of this sub-part, or the concentration of organic HAP or TOC (parts per million by volume, by compound) determined as specified in § 63.116(c) of this subpart at the outlet of the incinerator on a dry basis corrected to 3 percent oxygen.

(iii) For a boiler or process heater, a description of the location at which the vent stream is introduced into the boiler or process heater.

(iv) For a boiler or process heater with a design heat input capacity of less than 44 megawatts and where the vent stream is introduced with combustion air or used as a secondary fuel and is not mixed with the primary fuel, the percent reduction of organic HAP or TOC, or the concentration of organic HAP or TOC (parts per million by volume, by compound) determined as specified in § 63.116(c) at the outlet of the combustion device on a dry basis corrected to 3 percent oxygen.

(5) Record and report the following when using a flare to comply with § 63.113(a)(1) of this sub-part:

(i) Flare design (i.e., steam-assisted, air-assisted, or non-assisted);

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by § 63.116(a) of this subpart; and

(iii) All periods during the compliance determination when the pilot flame is absent.

(6) Record and report the following when using a scrubber following a combustion device to control a halogenated vent stream:

(i) The percent reduction or scrubber outlet mass emission rate of total hydrogen halides and halogens as specified in § 63.116(d) of this subpart;

(ii) The pH of the scrubber effluent; and

(iii) The scrubber liquid to gas ratio.

(7) Record and report the following when achieving and maintaining a TRE index value greater than 1.0 but less than 4.0 as specified in § 63.113(a)(3) or § 63.113(d) of this subpart:

(i) The parameter monitoring results for absorbers, condensers, or carbon adsorbers, as specified in table 4 of this subpart, and averaged over the same time period of the measurements of vent stream flow rate and concentration used in the TRE determination (both measured while the vent stream is normally routed and constituted), and

(ii) The measurements and calculations performed to determine the TRE index value of the vent stream.

(8) Record and report the halogen concentration in the vent stream determined according to the procedures specified in § 63.115(d)(2)(v) of this subpart.

(b) The owner or operator of a Group 2 process vent with a TRE index greater than 4.0 as specified in § 63.113(e) of this subpart, shall maintain records and submit as part of the Notification of Compliance Status specified in § 63.152 of this subpart, measurements, engineering assessments, and calculations performed to determine the TRE index value of the vent stream. Documentation of engineering assessments shall include all data, assumptions, and procedures used for the engineering assessments, as specified in § 63.115(d)(1) of this subpart.

(c) Each owner or operator who elects to demonstrate that a process vent is a Group 2 process vent based on a flow rate less than 0.005 standard cubic meter per minute must submit to the Administrator the flow rate measurement using methods and procedures specified in § 63.115 (a) and (b) of this subpart with the Notification of Compliance Status specified in § 63.152 of this subpart.

(d) Each owner or operator who elects to demonstrate that a process vent is a Group 2 process vent based on organic HAP or TOC concentration less than 50 parts per million by volume must submit to the Administrator an organic HAP or TOC concentration measurement using the methods and procedures specified in § 63.115 (a) and (c) of this subpart with the Notification of Compliance Status specified in § 63.152 of this subpart.

(e) If an owner or operator uses a control or recovery device other than those listed in tables 3 and 4 of this subpart or requests approval to monitor a parameter other than those specified in tables 3 and 4 of this subpart, the owner or operator shall submit a description of planned reporting and recordkeeping procedures as required under § 63.151(f) or § 63.152(e) of this subpart. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(f) For each parameter monitored according to tables 3 or 4 of this subpart or paragraph (e) of this section, the owner or operator shall establish a range for the parameter that indicates proper operation of the control or recovery device. In order to establish the range, the information required in § 63.152(b) of this subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment.

§ 63.118 Process vent provisions—Periodic reporting and recordkeeping requirements.

(a) Each owner or operator using a control device to comply with § 63.113 (a)(1) or (a)(2) of this subpart shall keep the following records up-to-date and readily accessible:

(1) Continuous records of the equipment operating parameters specified to be monitored under § 63.114(a) of this subpart and listed in table 3 of this subpart or specified by the Administrator in accordance with § 63.114(c) and § 63.117(e) of this subpart. For flares, the hourly records and records of pilot flame outages specified in table 3 of this subpart shall be maintained in place of continuous records.

(2) Records of the daily average value of each continuously monitored parameter for each operating day determined according to the procedures specified in § 63.152(f). For flares, records of the times and duration of all periods during which all pilot flames are absent shall be kept rather than daily averages.

(3) Hourly records of whether the flow indicator specified under § 63.114(d)(1) was operating and whether a diversion was detected at any time during the hour, as well as records of the times and durations of all periods when the gas stream is diverted to the atmosphere or the monitor is not operating.

(4) Where a seal mechanism is used to comply with § 63.114(d)(2) of this subpart, hourly records of flow are not required. In such cases, the owner or operator shall record that the monthly visual inspection of the seals or closure mechanism has been done, and shall record the duration of all periods when the seal mechanism is broken, the by-pass line valve position has changed, or the key for a lock-and-key type lock has been checked out, and records of any car-seal that has broken.

(b) Each owner or operator using a product recovery device or other means to achieve and maintain a TRE index value greater than 1.0 but less than 4.0 as specified in § 63.113(a)(3) or § 63.113(d) of this subpart shall keep the following records up-to-date and readily accessible:

(1) Continuous records of the equipment operating parameters specified to be monitored under § 63.114(b) of this subpart and listed in table 4 of this subpart or specified by the Administrator in accordance with § 63.114(c) of this subpart and § 63.114(e) of this subpart and

(2) Records of the daily average value of each continuously monitored parameter for each operating day determined according to the procedures specified in § 63.152(f). If carbon adsorber regeneration stream flow and carbon bed regeneration temperature are monitored, the records specified in table 4 of this subpart shall be kept instead of the daily averages.

(c) Each owner or operator subject to the provisions of this subpart and who elects to demonstrate compliance with the TRE index value greater than 4.0 under § 63.113(e) of this subpart or greater than 1.0 under § 63.113(a)(3) or § 63.113(d) of this subpart shall keep up-to-date, readily accessible records of:

(1) Any process changes as defined in § 63.115(e) of this subpart; and

(2) Any recalculation of the TRE index value pursuant to § 63.115(e) of this subpart.

(d) Each owner or operator who elects to comply by maintaining a flow rate less than 0.005 standard cubic meter per minute under § 63.113(f) of this subpart, shall keep up-to-date, readily accessible records of:

(1) Any process changes as defined in § 63.115(e) of this subpart that increase the vent stream flow rate,

(2) Any recalculation or measurement of the flow rate pursuant to § 63.115(e) of this subpart, and

(3) If the flow rate increases to 0.005 standard cubic meter per minute or greater as a result of the process change, the TRE determination performed according to the procedures of § 63.115(d) of this subpart.

(e) Each owner or operator who elects to comply by maintaining an organic HAP concentration less than 50 parts per million by volume organic HAP concentration under § 63.113(g) of this sub-part shall keep up-to-date, readily accessible records of:

(1) Any process changes as defined in § 63.115(e) that increase the organic HAP concentration of the vent stream,

(2) Any recalculation or measurement of the concentration pursuant to § 63.115(e) of this subpart, and

(3) If the organic HAP concentration increases to 50 parts per million by volume or greater as a result of the process change, the TRE determination performed according to the procedures of § 63.115(d) of this subpart.

(f) Each owner or operator who elects to comply with the requirements of § 63.113 of this subpart shall submit to the Administrator Periodic Reports of the following recorded information according to the schedule in § 63.152 of this subpart.

(1) Reports of daily average values of monitored parameters for all operating days when the daily average values recorded under paragraphs (a) and (b) of this section were outside the ranges established in the Notification of Compliance Status or operating permit.

(2) For Group 1 points, reports of the duration of periods when monitoring data is not collected for each excursion caused by insufficient monitoring data as defined in § 63.152(c)(2)(ii)(A) of this subpart.

(3) Reports of the times and durations of all periods recorded under paragraph (a)(3) of this section when the gas stream is diverted to the atmosphere through a bypass line.

(4) Reports of all periods recorded under paragraph (a)(4) of this section in which the seal mechanism is broken, the bypass line valve position has changed, or the key to unlock the bypass line valve was checked out.

(5) Reports of the times and durations of all periods recorded under paragraph (a)(2)(v) of this section in which all pilot flames of a flare were absent.

(6) Reports of all carbon bed regeneration cycles during which the parameters recorded under paragraph (b)(2)(v) of this section were outside the ranges established in the Notification of Compliance Status or operating permit.

(g) Whenever a process change, as defined in § 63.115(e) of this subpart, is made that causes a Group 2 process vent to become a Group 1 process vent, the owner or operator shall submit a report within 180 calendar days after the process change as specified in § 63.151(j) of this subpart. The report shall include:

(1) A description of the process change;

(2) The results of the recalculation of the flow rate, organic HAP concentration, and TRE index value required under § 63.115(e) of this subpart and recorded under paragraph (c), (d), or (e) of this section; and

(3) A statement that the owner or operator will comply with the provisions of § 63.113 of this subpart for Group 1 process vents by the dates specified in subpart F of this part.

(h) Whenever a process change, as defined in § 63.115(e) of this subpart, is made that causes a Group 2 process vent with a TRE greater than 4.0 to become a Group 2 process vent with a TRE less than 4.0, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next periodic report. The report shall include:

(1) A description of the process change,

(2) The results of the recalculation of the TRE index value required under § 63.115(e) of this sub-part and recorded under paragraph (c) of this section, and

(3) A statement that the owner or operator will comply with the requirements specified in § 63.113(d) of this subpart.

(i) Whenever a process change, as defined in § 63.115(e) of this subpart, is made that causes a Group 2 process vent with a flow rate less than 0.005 standard cubic meter per minute to become a Group 2 process vent with a flow rate of 0.005 standard cubic meter per minute or greater and a TRE index value less than or

equal to 4.0, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next periodic report. The report shall include:

(1) A description of the process change,

(*2*) The results of the recalculation of the flow rate and the TRE determination required under § 63.115(e) of this subpart and recorded under paragraph (d) of this section, and

(3) A statement that the owner or operator will comply with the requirements specified in § 63.113(d) of this subpart.

(j) Whenever a process change, as defined in § 63.115(e) of this subpart, is made that causes a Group 2 process vent with an organic HAP concentration less than 50 parts per million by volume to become a Group 2 process vent with an organic HAP concentration of 50 parts per million by volume or greater and a TRE index value less than or equal to 4.0, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next periodic report. The report shall include:

(1) A description of the process change,

(2) The results of the recalculation of the organic HAP concentration and the TRE determination required under § 63.115(e) of this subpart and recorded under paragraph (e) of this section, and

(3) A statement that the owner or operator will comply with the requirements specified in § 63.113(d) of this subpart.

(k) The owner or operator is not required to submit a report of a process change if one of the conditions listed in paragraph (k)(1), (k)(2), (k)(3), or (k)(4) of this section is met.

(1) The process change does not meet the definition of a process change in § 63.115(e) of this subpart, or

(2) The vent stream flow rate is recalculated according to § 63.115(e) of this subpart and the recalculated value is less than 0.005 standard cubic meter per minute, or

(3) The organic HAP concentration of the vent stream is recalculated according to § 63.115(e) of this subpart and the recalculated value is less than 50 parts per million by volume, or

(4) The TRE index value is recalculated according to § 63.115(e) of this subpart and the recalculated value is greater than 4.0.

§ 63.119 Storage vessel provisions—reference control technology.

(a) For each storage vessel to which this subpart applies, the owner or operator shall comply with the requirements of paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section according to the schedule provisions of § 63.100 of subpart F of this part.

(1) For each Group 1 storage vessel (as defined in table 5 of this subpart for existing sources and table 6 for new sources) storing a liquid for which the maximum true vapor pressure of the total organic hazardous air pollutants in the liquid is less than 76.6 kilopascals, the owner or operator shall reduce hazardous air pollutants emissions to the atmosphere either by operating and maintaining a fixed roof and internal floating roof, an external floating roof, an external floating roof converted to an internal floating roof, or a closed vent system and control device, or routing the emissions to a process or a fuel gas system in accordance with the requirements in paragraph (b), (c), (d), (e), or (f) of this section, or equivalent as provided in § 63.121 of this subpart.

(2) For each Group 1 storage vessel (as defined in table 5 of this subpart for existing sources and table 6 of this subpart for new sources) storing a liquid for which the maximum true vapor pressure of the total organic hazardous air pollutants in the liquid is greater than or equal to 76.6 kilopascals, the owner or operator shall operate and maintain a closed vent system and control device meeting the requirements specified in paragraph (e) of this section, or route the emissions to a process or a fuel gas system as specified in paragraph (f) of this section, or equivalent as provided in § 63.121 of this subpart.

(3) For each Group 2 storage vessel that is not part of an emissions average as described in § 63.150 of this subpart, the owner or operator shall comply with the recordkeeping requirement in § 63.123(a) of this subpart and is not required to comply with any other provisions in §§ 63.119 through 63.123 of this subpart.

(4) For each Group 2 storage vessel that is part of an emissions average, the owner or operator shall comply with the emissions averaging provisions in § 63.150 of this subpart.

(b) The owner or operator who elects to use a fixed roof and an internal floating roof, as defined in § 63.111 of this subpart, to comply with the requirements of paragraph (a)(1) of this section shall comply with the requirements specified in paragraphs (b)(1) through (b)(6) of this section.

NOTE: The intent of paragraphs (b)(1) and (b)(2) of this section is to avoid having a vapor space between the floating roof and the stored liquid for extended periods. Storage vessels may be emptied for purposes such as routine storage vessel maintenance, inspections, petroleum liquid deliveries, or transfer operations. Storage vessels where liquid is left on walls, as bottom clingage, or in pools due to floor irregularity are considered completely empty.

(1) The internal floating roof shall be floating on the liquid surface at all times except when the floating roof must be supported by the leg supports during the periods specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section.

(i) During the initial fill.

(ii) After the vessel has been completely emptied and degassed.

(iii) When the vessel is completely emptied before being subsequently refilled.

(2) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as soon as practical.

(3) Each internal floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. Except as provided in paragraph (b)(3)(iv) of this section, the closure device shall consist of one of the devices listed in paragraph (b)(3)(i), (b)(3)(ii), or (b)(3)(iii) of this section.

(i) A liquid-mounted seal as defined in § 63.111 of this subpart.

(ii) A metallic shoe seal as defined in § 63.111 of this subpart.

(iii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor- mounted, but both must be continuous seals.

(iv) If the internal floating roof is equipped with a vapor-mounted seal as of December 31, 1992, the requirement for one of the seal options specified in paragraphs (b)(3)(i), (b)(3)(ii), and (b)(3)(iii) of this section does not apply until the earlier of the dates specified in paragraphs (b)(3)(iv)(A) and (b)(3)(iv)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(4) Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports.

(5) Except as provided in paragraph (b)(5)(viii) of this section, each internal floating roof shall meet the specifications listed in paragraphs (b)(5)(i) through (b)(5)(vii) of this section.

(i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and rim space vents is to provide a projection below the liquid surface.

(ii) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains shall be equipped with a cover or lid. The cover or lid shall be equipped with a gasket.

(iii) Each penetration of the internal floating roof for the purposes of sampling shall be a sample well. Each sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

(iv) Each automatic bleeder vent shall be gasketed.

(v) Each rim space vent shall be gasketed.

(vi) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(vii) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

(viii) If the internal floating roof does not meet any one of the specifications listed in paragraphs (b)(5)(i) through (b)(5)(vii) of this section as of December 31, 1992, the requirement for meeting those specifications does not apply until the earlier of the dates specified in paragraphs (b)(5)(viii)(A) and (b)(5)(viii)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(6) Each cover or lid on any opening in the internal floating roof shall be closed (i.e., no visible gaps), except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened so as to be air-tight when they are closed. Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

(c) The owner or operator who elects to use an external floating roof, as defined in § 63.111 of this subpart, to comply with the requirements of paragraph (a)(1) of this section shall comply with the requirements specified in paragraphs (c)(1) through (c)(4) of this section.

(1) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge.

(i) Except as provided in paragraph (c)(1)(iv) of this section, the closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal.

(ii) Except as provided in paragraph (c)(1)(v) of this section, the primary seal shall be either a metallic shoe seal or a liquid-mounted seal.

(iii) Except during the inspections required by § 63.120(b) of this subpart, both the primary seal and the secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion.

(iv) If the external floating roof is equipped with a liquid-mounted or metallic shoe primary seal as of December 31, 1992, the requirement for a secondary seal in paragraph (c)(1)(i) of this section does not apply until the earlier of the dates specified in paragraphs (c)(1)(iv)(A) and (c)(1)(iv)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(v) If the external floating roof is equipped with a vapor-mounted primary seal and a secondary seal as of December 31, 1992, the requirement for a liquid-mounted or metallic shoe primary seal in paragraph (c)(1)(ii) of this section does not apply until the earlier of the dates specified in paragraphs (c)(1)(v)(A) and (c)(1)(v)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(2) Each external floating roof shall meet the specifications listed in paragraphs (c)(2)(i) through (c)(2)(xii) of this section.

(i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in the noncontact external floating roof shall provide a projection below the liquid surface except as provided in paragraph (c)(2)(xii) of this section.

(ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal or lid which is to be maintained in a closed position (i.e., no visible gap) at all times except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened so as to be air-tight when they are closed.

(iii) Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports.

(iv) Rim space vents are to be set to open only when the roof is being floated off the roof leg sup-ports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

(v) Automatic bleeder vents and rim space vents are to be gasketed.

(vi) Each roof drain that empties into the stored liquid is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(vii) Each unslotted guide pole well shall have a gasketed sliding cover or a flexible fabric sleeve seal.

(viii) Each unslotted guide pole shall have on the end of the pole a gasketed cap which is closed at all times except when gauging the liquid level or taking liquid samples.

(ix) Each slotted guide pole well shall have a gasketed sliding cover or a flexible fabric sleeve seal.

(x) Each slotted guide pole shall have a gasketed float or other device which closes off the liquid surface from the atmosphere.

(xi) Each gauge hatch/sample well shall have a gasketed cover which is closed at all times except when the hatch or well must be open for access.

(xii) If each opening in a noncontact external floating roof except for automatic bleeder vents (vacuum breaker vents) and rim space vents does not provide a projection below the liquid surface as of December 31, 1992, the requirement for providing these projections below the liquid surface does not apply until the earlier of the dates specified in paragraphs (c)(2)(xii)(A) and (c)(2)(xii)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

NOTE: The intent of paragraphs (c)(3) and (c)(4) of this section is to avoid having a vapor space between the floating roof and the stored liquid for extended periods. Storage vessels may be emptied for purposes such as routine storage vessel maintenance, inspections, petroleum liquid deliveries, or transfer operations. Storage vessels where liquid is left on walls, as bottom clingage, or in pools due to floor irregularity are considered completely empty.

(3) The external floating roof shall be floating on the liquid surface at all times except when the floating roof must be supported by the leg supports during the periods specified in paragraphs (c)(3)(i) through (c)(3)(iii) of this section.

(i) During the initial fill.

(ii) After the vessel has been completely emptied and degassed.

(iii) When the vessel is completely emptied before being subsequently refilled.

(4) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as soon as practical.

(d) The owner or operator who elects to use an external floating roof converted to an internal floating roof (i.e., fixed roof installed above external floating roof) to comply with paragraph (a)(1) of this section shall comply with paragraphs (d)(1) and (d)(2) of this section.

(1) Comply with the requirements for internal floating roof vessels specified in paragraphs (b)(1), (2), and (3) of this section; and

(2) Comply with the requirements for deck fittings that are specified for external floating roof vessels in paragraphs (c)(2)(i) through (c)(2)(xii) of this section.

(e) The owner or operator who elects to use a closed vent system and control device, as defined in § 63.111 of this subpart, to comply with the requirements of paragraph (a)(1) or (a)(2) of this section shall comply with the requirements specified in paragraphs (e)(1) through (e)(5) of this section.

(1) Except as provided in paragraph (e)(2) of this section, the control device shall be designed and operated to reduce inlet emissions of total organic HAP by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements of § 63.11(b) of subpart A of this part.

(2) If the owner or operator can demonstrate that a control device installed on a storage vessel on or before December 31, 1992 is designed to reduce inlet emissions of total organic HAP by greater than or equal to 90 percent but less than 95 percent, then the control device is required to be operated to reduce inlet emissions of total organic HAP by 90 percent or greater.

(3) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of paragraph (e)(1) or (e)(2) of this section, as applicable, shall not exceed 240 hours per year.

(4) The specifications and requirements in paragraphs (e)(1) and (e)(2) of this section for control devices do not apply during periods of planned routine maintenance.

(5) The specifications and requirements in paragraphs (e)(1) and (e)(2) of this section for control devices do not apply during a control system malfunction.

(6) An owner or operator may use a combination of control devices to achieve the required reduction of total organic hazardous air pollutants specified in paragraph (e)(1) of this section. An owner or operator may use a combination of control devices installed on a storage vessel on or before December 31, 1992 to achieve the required reduction of total organic hazardous air pollutants specified in paragraph (e)(2) of this section.

(f) The owner or operator who elects to route emissions to a fuel gas system or to a process, as defined in § 63.111 of this subpart, to comply with the requirements of paragraph (a)(1) or (a)(2) of this section shall comply with the requirements in paragraphs (f)(1) through (f)(3) of this section, as applicable.

(1) If emissions are routed to a fuel gas system, there is no requirement to conduct a performance test or design evaluation. If emissions are routed to a process, the organic hazardous air pollutants in the emissions shall predominantly meet one of, or a combination of, the ends specified in paragraphs (f)(1)(i) through (f)(1)(iv) of this section. The owner or operator shall comply with the compliance demonstration requirements in § 63.120(f).

(i) Recycled and/or consumed in the same manner as a material that fulfills the same function in that process;

(ii) Transformed by chemical reaction into materials that are not organic hazardous air pollutants;

(iii) Incorporated into a product; and/or

(iv) Recovered.

(2) If the emissions are conveyed by a system other than hard-piping, any conveyance system operated under positive pressure shall be subject to the requirements of § 63.148 of this subpart.

(3) The fuel gas system or process shall be operating at all times when organic hazardous air pollutants emissions are routed to it except as provided in § 63.102(a)(1) of subpart F of this part and in paragraphs (f)(3)(i) through (f)(3)(iii) of this section. Whenever the owner or operator by-passes the fuel gas system or process, the owner or operator shall comply with the recordkeeping requirement in § 63.123(h) of this subpart. Bypassing is permitted if the owner or operator complies with one or more of the conditions specified in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) The liquid level in the storage vessel is not increased;

(ii) The emissions are routed through a closed-vent system to a control device complying with § 63.119(e) of this subpart; or

(iii) The total aggregate amount of time during which the emissions by-pass the fuel gas system or process during the calendar year without being routed to a control device, for all reasons (except start-ups/shutdowns/malfunctions or product changeovers of flexible operation units and periods when the storage vessel has been emptied and degassed), does not exceed 240 hours.

§ 63.120 Storage vessel provisions— procedures to determine compliance.

(a) To demonstrate compliance with § 63.119(b) of this subpart (storage vessel equipped with a fixed roof and internal floating roof) or with § 63.119(d) of this subpart (storage vessel equipped with an external floating roof converted to an internal floating roof), the owner or operator shall comply with the requirements in paragraphs (a)(1) through (a)(7) of this section.

(1) The owner or operator shall visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), according to the schedule specified in paragraphs (a)(2) and (a)(3) of this section.

(2) For vessels equipped with a single-seal system, the owner or operator shall perform the inspections specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this section.

(i) Visually inspect the internal floating roof and the seal through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill, or at least once every 12 months after the compliance date specified in § 63.100 of subpart F of this part.

(ii) Visually inspect the internal floating roof, the seal, gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed, and at least once every 10 years after the compliance date specified in § 63.100 of subpart F of this part.

(3) For vessels equipped with a double-seal system as specified in § 63.119(b)(3)(iii) of this subpart, the owner or operator shall perform either the inspection required in paragraph (a)(3)(i) of this section or the inspections required in both paragraphs (a)(3)(ii) and (a)(3)(iii) of this section.

(i) The owner or operator shall visually inspect the internal floating roof, the primary seal, the secondary seal, gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed and at least once every 5 years after the compliance date specified in § 63.100 of subpart F of this part; or

(ii) The owner or operator shall visually inspect the internal floating roof and the secondary seal through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill, or at least once every 12 months after the compliance date specified in § 63.100 of subpart F of this part, and

(iii) Visually inspect the internal floating roof, the primary seal, the secondary seal, gaskets, slotted membranes, and sleeve seals (if any) each time the vessel is emptied and degassed and at least once every 10 years after the compliance date specified in § 63.100 of subpart F of this part.

(4) If during the inspections required by paragraph (a)(2)(i) or (a)(3)(ii) of this section, the internal floating roof is not resting on the surface of the liquid inside the storage vessel and is not resting on the leg supports; or there is liquid on the floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage vessel, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 calendar days. If a failure that is detected during inspections required by paragraph (a)(2)(i) or (a)(3)(ii) of this section can-not be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

(5) Except as provided in paragraph (a)(6) of this section, for all the inspections required by paragraphs (a)(2)(ii), (a)(3)(i), and (a)(3)(iii) of this section, the owner or operator shall notify the Administrator in writing at least 30 calendar days prior to the refilling of each storage vessel to afford the Administrator the opportunity to have an observer present.

(6) If the inspection required by paragraph (a)(2)(ii), (a)(3)(i), or (a)(3)(iii) of this section is not planned and the owner or operator could not have known about the inspection 30 calendar days in advance of refilling the vessel, the owner or operator shall notify the Administrator at least 7 calendar days prior to the refilling of the storage vessel. Notification may be made by telephone and immediately followed by written

documentation demonstrating why the inspection was unplanned. Alternatively, the notification including the written documentation may be made in writing and sent so that it is received by the Administrator at least 7 calendar days prior to refilling.

(7) If during the inspections required by paragraph (a)(2)(ii), (a)(3)(i), or (a)(3)(iii) of this section, the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with organic HAP.

(b) To demonstrate compliance with § 63.119(c) of this subpart (storage vessel equipped with an external floating roof), the owner or operator shall comply with the requirements specified in paragraphs (b)(1) through (b)(10) of this section.

(1) Except as provided in paragraph (b)(7) of this section, the owner or operator shall determine the gap areas and maximum gap widths between the primary seal and the wall of the storage vessel, and the secondary seal and the wall of the storage vessel according to the frequency specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section.

(i) For an external floating roof vessel equipped with primary and secondary seals, measurements of gaps between the vessel wall and the primary seal shall be performed during the hydrostatic testing of the vessel or by the compliance date specified in § 63.100 of subpart F of this part, whichever occurs last, and at least once every 5 years thereafter.

(ii) For an external floating roof vessel equipped with a liquid-mounted or metallic shoe primary seal and without a secondary seal as provided for in § 63.119(c)(1)(iv) of this subpart, measurements of gaps between the vessel wall and the primary seal shall be performed by the compliance date specified in § 63.100 of subpart F of this part and at least once per year thereafter, until a secondary seal is installed. When a secondary seal is installed above the primary seal, measurements of gaps between the vessel wall and both the primary and secondary seals shall be performed within 90 calendar days of installation of the secondary seal, and according to the frequency specified in paragraphs (b)(1)(i) and (b)(1)(iii) of this section there-after.

(iii) For an external floating roof vessel equipped with primary and secondary seals, measurements of gaps between the vessel wall and the secondary seal shall be performed by the compliance date specified in § 63.100 of subpart F of this part and at least once per year thereafter.

(iv) If any storage vessel ceases to store organic HAP for a period of 1 year or more, or if the maximum true vapor pressure of the total organic HAPs in the stored liquid falls below the values defining Group 1 storage vessels specified in table 5 or table 6 of this subpart for a period of 1 year or more, measurements of gaps between the vessel wall and the primary seal, and gaps between the vessel wall and the secondary seal shall be per-formed within 90 calendar days of the vessel being refilled with organic HAP.

(2) Except as provided in paragraph (b)(7) of this section, the owner or operator shall determine gap widths and gap areas in the primary and secondary seals (seal gaps) individually by the procedures described in paragraphs (b)(2)(i) through (b)(2)(iii) of this section.

(i) Seal gaps, if any, shall be measured at one or more floating roof levels when the roof is not resting on the roof leg supports.

(ii) Seal gaps, if any, shall be measured around the entire circumference of the vessel in each place where a 0.32 centimeter (1/8 inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the storage vessel. The circumferential distance of each such location shall also be measured.

(iii) The total surface area of each gap described in paragraph (b)(2)(ii) of this section shall be determined by using probes of various widths to measure accurately the actual distance from the vessel wall to the seal and multiplying each such width by its respective circumferential distance.

(3) The owner or operator shall add the gap surface area of each gap location for the primary seal and divide the sum by the nominal diameter of the vessel. The accumulated area of gaps between the vessel wall

and the primary seal shall not exceed 212 square centimeters per meter of vessel diameter and the width of any portion of any gap shall not exceed 3.81 centimeters.

(4) The owner or operator shall add the gap surface area of each gap location for the secondary seal and divide the sum by the nominal diameter of the vessel. The accumulated area of gaps between the vessel wall and the secondary seal shall not exceed 21.2 square centimeters per meter of vessel diameter and the width of any portion of any gap shall not exceed 1.27 centimeters. These seal gap requirements may be exceeded during the measurement of primary seal gaps as required by paragraph (b)(1)(i) and (b)(1)(ii) of this section.

(5) The primary seal shall meet the additional requirements specified in paragraphs (b)(5)(i) and (b)(5)(ii) of this section.

(i) Where a metallic shoe seal is in use, one end of the metallic shoe shall extend into the stored liquid and the other end shall extend a minimum vertical distance of 61 centimeters above the stored liquid surface.

(ii) There shall be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(6) The secondary seal shall meet the additional requirements specified in paragraphs (b)(6)(i) and (b)(6)(ii) of this section.

(i) The secondary seal shall be installed above the primary seal so that it completely covers the space between the roof edge and the vessel wall except as provided in paragraph (b)(4) of this section.

(ii) There shall be no holes, tears, or other openings in the seal or seal fabric.

(7) If the owner or operator determines that it is unsafe to perform the seal gap measurements required in paragraphs (b)(1) and (b)(2) of this section or to inspect the vessel to determine compliance with paragraphs (b)(5) and (b)(6) of this section because the floating roof appears to be structurally unsound and poses an imminent or potential danger to inspecting personnel, the owner or operator shall comply with the requirements in either paragraph (b)(7)(i) or (b)(7)(ii) of this section.

(i) The owner or operator shall measure the seal gaps or inspect the storage vessel no later than 30 calendar days after the determination that the roof is unsafe, or

(ii) The owner or operator shall empty and remove the storage vessel from service no later than 45 calendar days after determining that the roof is unsafe. If the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include an explanation of why it was unsafe to perform the inspection or seal gap measurement, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the vessel will be emptied as soon as practical.

(8) The owner or operator shall repair conditions that do not meet requirements listed in paragraphs (b)(3), (b)(4), (b)(5), and (b)(6) of this section (i.e., failures) no later than 45 calendar days after identification, or shall empty and remove the storage vessel from service no later than 45 calendar days after identification. If during seal gap measurements required in paragraph (b)(1) and (b)(2) of this section or during inspections necessary to determine compliance with paragraphs (b)(5) and (b)(6) of this section a failure is detected that cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

(9) The owner or operator shall notify the Administrator in writing 30 calendar days in advance of any gap measurements required by paragraph (b)(1) or (b)(2) of this section to afford the Administrator the opportunity to have an observer present.

(10) The owner or operator shall visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

(i) If the external floating roof has defects; the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has

more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with organic HAP.

(ii) Except as provided in paragraph (b)(10)(iii) of this section, for all the inspections required by paragraph (b)(10) of this section, the owner or operator shall notify the Administrator in writing at least 30 calendar days prior to filling or refilling of each storage vessel with organic HAP to afford the Administrator the opportunity to inspect the storage vessel prior to refilling.

(iii) If the inspection required by paragraph (b)(10) of this section is not planned and the owner or operator could not have known about the inspection 30 calendar days in advance of refilling the vessel with organic HAP, the owner or operator shall notify the Administrator at least 7 calendar days prior to refilling of the storage vessel. Notification may be made by telephone and immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent so that it is received by the Administrator at least 7 calendar days prior to the refilling.

(c) To demonstrate compliance with § 63.119(d) of this subpart (storage vessel equipped with an external floating roof converted to an internal floating roof), the owner or operator shall comply with the requirements of paragraph (a) of this section.

(d) To demonstrate compliance with § 63.119(e) of this subpart (storage vessel equipped with a closed vent system and control device) using a control device other than a flare, the owner or operator shall comply with the requirements in paragraphs (d)(1) through (d)(7) of this section, except as provided in paragraph (d)(8) of this section.

(1) The owner or operator shall either prepare a design evaluation, which includes the information specified in paragraph (d)(1)(i) of this section, or submit the results of a performance test as de-scribed in paragraph (d)(1)(ii) of this section.

(i) The design evaluation shall include documentation demonstrating that the control device being used achieves the required control efficiency during reasonably expected maximum filling rate. This documentation is to include a description of the gas stream which enters the control device, including flow and organic HAP content under varying liquid level conditions, and the information specified in paragraphs (d)(1)(i)(A) through (d)(1)(i)(E) of this section, as applicable.

(A) If the control device receives vapors, gases or liquids, other than fuels, from emission points other than storage vessels subject to this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids, other than fuels, received by the control device.

(B) If an enclosed combustion device with a minimum residence time of 0.5 seconds and a minimum temperature of 760 °C is used to meet the emission reduction requirement specified in § 63.119 (e)(1) or (e)(2), as applicable, documentation that those conditions exist is sufficient to meet the requirements of paragraph (d)(1)(i) of this section.

(C) Except as provided in paragraph (d)(1)(i)(B) of this section, for thermal incinerators, the design evaluation shall include the autoignition temperature of the organic HAP, the flow rate of the organic HAP emission stream, the combustion temperature, and the residence time at the combustion temperature.

(D) For carbon adsorbers, the design evaluation shall include the affinity of the organic HAP vapors for carbon, the amount of carbon in each bed, the number of beds, the humidity of the feed gases, the temperature of the feed gases, the flow rate of the organic HAP emission stream, the desorption schedule, the regeneration stream pressure or temperature, and the flow rate of the re-generation stream. For vacuum desorption, pressure drop shall be included.

(E) For condensers, the design evaluation shall include the final temperature of the organic HAP vapors, the type of condenser, and the design flow rate of the organic HAP emission stream.

(ii) If the control device used to comply with § 63.119(e) of this subpart is also used to comply with § 63.113(a)(2), § 63.126(b)(1), or § 63.139(c) of this subpart, the performance test required by §

63.116(c), § 63.128(a), or § 63.139(d)(1) of this subpart is acceptable to demonstrate compliance with § 63.119(e) of this subpart. The owner or operator is not required to prepare a design evaluation for the control device as described in paragraph (d)(1)(i) of this section, if the performance tests meets the criteria specified in paragraphs (d)(1)(ii)(A) and (d)(1)(ii)(B) of this section.

(A) The performance test demonstrates that the control device achieves greater than or equal to the required control efficiency specified in § 63.119 (e)(1) or (e)(2) of this subpart, as applicable; and

(B) The performance test is submitted as part of the Notification of Compliance Status required by § 63.151(b) of this subpart.

(2) The owner or operator shall submit, as part of the Notification of Compliance Status required by § 63.151(b) of this subpart, a monitoring plan containing the information specified in paragraph (d)(2)(i) of this section and in either (d)(2)(ii) or (d)(2)(iii) of this section.

(i) A description of the parameter or parameters to be monitored to ensure that the control device is being properly operated and maintained, an explanation of the criteria used for selection of that parameter (or parameters), and the frequency with which monitoring will be performed (e.g., when the liquid level in the storage vessel is being raised); and either

(ii) The documentation specified in paragraph (d)(1)(i) of this section, if the owner or operator elects to prepare a design evaluation; or

(iii) The information specified in paragraph (d)(2)(iii) (A) and (B) of this section if the owner or operator elects to submit the results of a performance test.

(A) Identification of the storage vessel and control device for which the performance test will be submitted, and

(B) Identification of the emission point(s) that share the control device with the storage vessel and for which the performance test will be conducted.

(3) The owner or operator shall submit, as part of the Notification of Compliance Status required by § 63.152(b) of this subpart, the information specified in paragraphs (d)(3)(i) and, if applicable, (d)(3)(ii) of this section.

(i) The operating range for each monitoring parameter identified in the monitoring plan. The specified operating range shall represent the conditions for which the control device is being properly operated and maintained.

(ii) Results of the performance test described in paragraph (d)(1)(ii) of this section.

(4) The owner or operator shall demonstrate compliance with the requirements of § 63.119(e)(3) of this subpart (planned routine maintenance of a control device, during which the control device does not meet the specifications of § 63.119 (e)(1) or (e)(2) of this subpart, as applicable, shall not exceed 240 hours per year) by including in each Periodic Report required by § 63.152(c) of this subpart the information specified in § 63.122(g)(1) of this subpart.

(5) The owner or operator shall monitor the parameters specified in the Notification of Compliance Status required in § 63.152(b) of this subpart or in the operating permit and shall operate and maintain the control device such that the monitored parameters remain within the ranges specified in the Notification of Compliance Status.

(6) Except as provided in paragraph (d)(7) of this section, each closed vent system shall be inspected as specified in § 63.148 of this subpart. The initial and annual inspections required by § 63.148(b) of this subpart shall be done during filling of the storage vessel.

(7) For any fixed roof tank and closed vent system that are operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.148 of this subpart.

(8) A design evaluation or performance test is not required, if the owner or operator uses a combustion device meeting the criteria in paragraph (d)(8)(i), (d)(8)(ii), (d)(8)(iii), or (d)(8)(iv) of this section.

(i) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

(ii) A boiler or process heater burning hazardous waste for which the owner or operator:

(A) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H, or (B) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

(iii) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

(iv) A boiler or process heater into which the vent stream is introduced with the primary fuel.

(e) To demonstrate compliance with § 63.119(e) of this subpart (storage vessel equipped with a closed vent system and control device) using a flare, the owner or operator shall comply with the requirements in paragraphs (e)(1) through (e)(6) of this section.

(1) The owner or operator shall perform the compliance determination specified in § 63.11(b) of subpart A of this part.

(2) The owner or operator shall submit, as part of the Notification of Compliance Status required by § 63.152(b) of this subpart, the information specified in paragraphs (e)(2)(i) through (e)(2)(iii) of this section.

(i) Flare design (i.e., steam-assisted, air-assisted, or non-assisted);

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by paragraph (e)(1) of this section; and

(iii) All periods during the compliance determination when the pilot flame is absent.

(3) The owner or operator shall demonstrate compliance with the requirements of § 63.119(e)(3) of this subpart (planned routine maintenance of a flare, during which the flare does not meet the specifications of § 63.119(e)(1) of this subpart, shall not exceed 240 hours per year) by including in each Periodic Report required by § 63.152(c) of this subpart the information specified in § 63.122(g)(1) of this subpart.

(4) The owner or operator shall continue to meet the general control device requirements specified in § 63.11(b) of subpart A of this part.

(5) Except as provided in paragraph (e)(6) of this section, each closed vent system shall be inspected as specified in § 63.148 of this subpart. The inspections required to be performed in accordance with § 63.148(c) of this subpart shall be done during filling of the storage vessel.

(6) For any fixed roof tank and closed vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.148 of this subpart.

(f) To demonstrate compliance with § 63.119(f) of this subpart (storage vessel routed to a process), the owner or operator shall prepare a design evaluation (or engineering assessment) that demonstrates the extent to which one or more of the ends specified in § 63.119(f)(1)(i) through (f)(1)(iv) are being met. The owner or operator shall submit the design evaluation as part of the Notification of Compliance Status required by § 63.152(b) of this subpart.

§ 63.121 Storage vessel provisions—alternative means of emission limitation.

(a) Determination of equivalence to the reduction in emissions achieved by the requirements of § 63.119 (b), (c), or (d) of this subpart will be evaluated according to § 63.102(b) of subpart F of this part.

(b) The determination of equivalence referred to in paragraph (a) of this section will be based on the application to the Administrator which shall include the information specified in either paragraph (b)(1) or (b)(2) of this section.

(1) Actual emissions tests that use full-size or scale-model storage vessels that accurately collect and measure all organic HAP emissions from a given control technique, and that accurately simulate wind and account for other emission variables such as temperature and barometric pressure, or

(2) An engineering analysis that the Administrator determines is an accurate method of deter-mining equivalence.

§ 63.122 Storage vessel provisions—reporting.

(a) For each Group 1 storage vessel, the owner or operator shall comply with the requirements of paragraphs (a)(1) through (a)(5) of this section.

(1) The owner or operator shall submit an Initial Notification as required by § 63.151(b) of this sub-part.

(2) [Reserved]

(3) The owner or operator shall submit a Notification of Compliance Status as required by § 63.152(b) of this subpart and shall submit as part of the Notification of Compliance Status the information specified in paragraph (c) of this section.

(4) The owner or operator shall submit Periodic Reports as required by § 63.152(c) of this subpart and shall submit as part of the Periodic Reports the information specified in paragraphs (d), (e), (f), and (g) of this section.

(5) The owner or operator shall submit, as applicable, other reports as required by § 63.152(d) of this subpart, containing the information specified in paragraph (h) of this section.

(b) An owner or operator who elects to comply with § 63.119(e) of this subpart by using a closed vent system and a control device other than a flare shall submit, as part of the Monitoring Plan, the information specified in § 63.120(d)(2)(i) of this subpart and the information specified in either § 63.120(d)(2)(ii) of this subpart or § 63.120(d)(2)(iii) of this subpart.

(c) An owner or operator who elects to comply with § 63.119(e) of this subpart by using a closed vent system and a control device shall submit, as part of the Notification of Compliance Status required by § 63.152(b) of this subpart, the information specified in either paragraph (c)(1) or (c)(2) of this section. An owner or operator who elects to comply with § 63.119(f) of this subpart by routing emissions to a process or to a fuel gas system shall submit, as part of the Notification of Compliance Status required by § 63.152(b) of this subpart, the information specified in paragraph (c)(3) of this section.

(1) If a control device other than a flare is used, the owner or operator shall submit the information specified in § 63.120(d)(3)(i) and, if applicable, (d)(3)(ii) of this subpart.

(2) If a flare is used, the owner or operator shall submit the information specified in §63.120(e)(2)(i), (e)(2)(ii), and (e)(2)(iii) of this subpart.

(3) If emissions are routed to a process, the owner or operator shall submit the information specified in § 63.120(f). If emissions are routed to a fuel gas system, the owner or operator shall submit a statement that the emission stream is connected to the fuel gas system and whether the conveyance system is subject to the requirements of § 63.148.

(d) An owner or operator who elects to comply with § 63.119(b) of this subpart by using a fixed roof and an internal floating roof or with § 63.119(d) of this subpart by using an external floating roof converted to an internal floating roof shall submit, as part of the Periodic Report required under § 63.152(c) of this subpart, the results of each inspection conducted in accordance with § 63.120(a) of this subpart in which a failure is detected in the control equipment.

(1) For vessels for which annual inspections are required under § 63.120 (a)(2)(i) or (a)(3)(ii) of this subpart, the specifications and requirements listed in paragraphs (d)(1)(i) through (d)(1)(iii) of this section apply.

(i) A failure is defined as any time in which the internal floating roof is not resting on the surface of the liquid inside the storage vessel and is not resting on the leg supports; or there is liquid on the floating roof; or the seal is detached from the internal floating roof; or there are holes, tears, or other openings in the seal or seal fabric; or there are visible gaps between the seal and the wall of the storage vessel.

(ii) Except as provided in paragraph (d)(1)(iii) of this section, each Periodic Report shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The Periodic Report shall also describe the nature of and date the repair was made or the date the storage vessel was emptied.

(iii) If an extension is utilized in accordance with § 63.120(a)(4) of this subpart, the owner or operator shall, in the next Periodic Report, identify the vessel; include the documentation specified in § 63.120(a)(4) of this subpart; and describe the date the storage vessel was emptied and the nature of and date the repair was made.

(2) For vessels for which inspections are required under § 63.120 (a)(2)(ii), (a)(3)(i), or (a)(3)(iii) of this subpart, the specifications and requirements listed in paragraphs (d)(2)(i) and (d)(2)(ii) of this section apply.

(i) A failure is defined as any time in which the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal (if one has been installed) has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area.

(ii) Each Periodic Report required under § 63.152(c) of this subpart shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The Periodic Report shall also describe the nature of and date the repair was made.

(e) An owner or operator who elects to comply with § 63.119(c) of this subpart by using an external floating roof shall meet the periodic reporting requirements specified in paragraphs (e)(1), (e)(2), and (e)(3) of this section.

(1) The owner or operator shall submit, as part of the Periodic Report required under § 63.152(c) of this subpart, documentation of the results of each seal gap measurement made in accordance with § 63.120(b) of this subpart in which the requirements of § 63.120 (b)(3), (b)(4), (b)(5), or (b)(6) of this subpart are not met. This documentation shall include the information specified in paragraphs (e)(1)(i) through (e)(1)(iv) of this section.

(i) The date of the seal gap measurement.

(ii) The raw data obtained in the seal gap measurement and the calculations described in § 63.120 (b)(3) and (b)(4) of this subpart.

(iii) A description of any condition specified in § 63.120 (b)(5) or (b)(6) of this subpart that is not met.

(iv) A description of the nature of and date the repair was made, or the date the storage vessel was emptied.

(2) If an extension is utilized in accordance with § 63.120(b)(7)(ii) or (b)(8) of this subpart, the owner or operator shall, in the next Periodic Report, identify the vessel; include the documentation specified in § 63.120(b)(7)(ii) or (b)(8) of this sub-part, as applicable; and describe the date the vessel was emptied and the nature of and date the repair was made.

(3) The owner or operator shall submit, as part of the Periodic Report required under § 63.152(c) of this subpart, documentation of any failures that are identified during visual inspections required by § 63.120(b)(10) of this subpart. This documentation shall meet the specifications and requirements in paragraphs (e)(3)(i) and (e)(3)(ii) of this section.

(i) A failure is defined as any time in which the external floating roof has defects; or the primary seal has holes, or other openings in the seal or the seal fabric; or the secondary seal has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area.

(ii) Each Periodic Report required under § 63.152(c) of this subpart shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The periodic report shall also describe the nature of and date the repair was made.

(f) An owner or operator who elects to comply with § 63.119(d) of this subpart by using an external floating roof converted to an internal floating roof shall comply with the periodic reporting requirements of paragraph (d) of this section.

(g) An owner or operator who elects to comply with § 63.119(e) of this subpart by installing a closed vent system and control device shall submit, as part of the next Periodic Report required by § 63.152(c) of this subpart, the information specified in paragraphs (g)(1) through (g)(3) of this section.

(1) As required by § 63.120(d)(4) and § 63.120(e)(3) of this subpart, the Periodic Report shall include the information specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this section for those planned routine maintenance operations that would require the control device not to meet the requirements of § 63.119 (e)(1) or (e)(2) of this subpart, as applicable.

(i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next 6 months. This description shall include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

(ii) A description of the planned routine maintenance that was performed for the control device during the previous 6 months. This description shall include the type of maintenance performed and the total number of hours during those 6 months that the control device did not meet the requirements of § 63.119 (e)(1) or (e)(2) of this sub-part, as applicable, due to planned routine maintenance.

(2) If a control device other than a flare is used, the Periodic Report shall describe each occurrence when the monitored parameters were outside of the parameter ranges documented in the Notification of Compliance Status in accordance with § 63.120(d)(3)(i) of this subpart. The description shall include the information specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(i) Identification of the control device for which the measured parameters were outside of the established ranges, and

(ii) Cause for the measured parameters to be outside of the established ranges.

(3) If a flare is used, the Periodic Report shall describe each occurrence when the flare does not meet the general control device requirements specified in § 63.11(b) of subpart A of this part and shall include the information specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) Identification of the flare which does not meet the general requirements specified in § 63.11(b) of subpart A of this part, and (ii) Reason the flare did not meet the general requirements specified in § 63.11(b) of subpart A of this part.

(h) An owner or operator who elects to comply with § 63.119 (b), (c), or (d) of this subpart shall submit, as applicable, the reports specified in paragraphs (h)(1) and (h)(2) of this section.

(1) In order to afford the Administrator the opportunity to have an observer present, the owner or operator shall notify the Administrator of the refilling of a storage vessel that has been emptied and degassed.

(i) If the storage vessel is equipped with an internal floating roof as specified in § 63.119(b) of this subpart, the notification shall meet the requirements of either § 63.120 (a)(5) or (a)(6) of this subpart, as applicable.

(ii) If the storage vessel is equipped with an external floating roof as specified in § 63.119(c) of this subpart, the notification shall meet the requirements of either § 63.120 (b)(10)(ii) or (b)(10)(iii) of this subpart, as applicable.

(iii) If the storage vessel is equipped with an external floating roof converted into an internal floating roof as specified in § 63.119(d) of this subpart, the notification shall meet the requirements of either § 63.120 (a)(5) or (a)(6) of this subpart, as applicable.

(2) In order to afford the Administrator the opportunity to have an observer present, the owner or operator of a storage vessel equipped with an external floating roof as specified in § 63.119(c) of this subpart shall notify the Administrator of any seal gap measurements. This notification shall meet the requirements of § 63.120(b)(9) of this subpart.

§ 63.123 Storage vessel provisions—recordkeeping.

(a) Each owner or operator of a Group 1 or Group 2 storage vessel shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel. This record shall be kept as long as the storage vessel retains Group 1 or Group 2 status and is in operation. For each Group 2 storage vessel, the owner or operator is not required to comply with any other provisions of §§ 63.119 through 63.123 of this subpart other than those required by this paragraph unless such vessel is part of an emissions average as described in § 63.150 of this subpart.

(b) [Reserved]

(c) An owner or operator who elects to comply with § 63.119(b) of this subpart shall keep a record that each inspection required by § 63.120(a) of this subpart was performed.

(d) An owner or operator who elects to comply with § 63.119(c) of this subpart shall keep records describing the results of each seal gap measurement made in accordance with § 63.120(b) of this subpart. The records shall include the date of the measurement, the raw data obtained in the measurement, and the calculations described in § 63.120(b) (3) and (4) of this subpart.

(e) An owner or operator who elects to comply with § 63.119(d) of this subpart shall keep a record that each inspection required by § 63.120 (a) and (c) of this subpart was performed.

(f) An owner or operator who elects to comply with § 63.119(e) of this subpart shall keep in a readily accessible location the records specified in paragraphs (f)(1) and (f)(2) of this section.

(1) A record of the measured values of the parameters monitored in accordance with § 63.120(d)(5) of this subpart.

(2) A record of the planned routine maintenance performed on the control device including the duration of each time the control device does not meet the specifications of § 63.119 (e)(1) or (e)(2) of this subpart, as applicable, due to the planned routine maintenance. Such a record shall include the information specified in paragraphs (f)(2)(i) and (f)(2)(ii) of this section.

(i) The first time of day and date the requirements of § 63.119 (e)(1) or (e)(2) of this subpart, as applicable, were not met at the beginning of the planned routine maintenance, and

(ii) The first time of day and date the requirements of § 63.119 (e)(1) or (e)(2) of this subpart, as applicable, were met at the conclusion of the planned routine maintenance.

(g) An owner or operator who elects to utilize an extension in emptying a storage vessel in accordance with § 63.120 (a)(4), (b)(7)(ii), or (b)(8) of this subpart shall keep in a readily accessible location, the documentation specified in § 63.120 (a)(4), (b)(7)(ii), or (b)(8), as applicable.

(h) An owner or operator who uses the by-pass provisions of § 63.119(f)(3) of this subpart shall keep in a readily accessible location the records specified in paragraphs (h)(1) through (h)(3) of this section.

(1) The reason it was necessary to by-pass the process equipment or fuel gas system;

(2) The duration of the period when the process equipment or fuel gas system was by-passed;

(3) Documentation or certification of compliance with the applicable provisions of § 63.119(f)(3)(i) through § 63.119(f)(3)(iii).

§ 63.124–63.125 [Reserved]

§ 63.126 Transfer operations provisions—reference control technology.

(a) For each Group 1 transfer rack the owner or operator shall equip each transfer rack with a vapor collection system and control device.

(1) Each vapor collection system shall be designed and operated to collect the organic hazardous air pollutants vapors displaced from tank trucks or railcars during loading, and to route the collected hazardous air pollutants vapors to a process, or to a fuel gas system, or to a control device as provided in paragraph (b) of this section.

(2) Each vapor collection system shall be designed and operated such that organic HAP vapors collected at one loading arm will not pass through another loading arm in the rack to the atmosphere.

(3) Whenever organic hazardous air pollutants emissions are vented to a process, fuel gas system, or to a control device used to comply with the provisions of this subpart, the process, fuel gas system, or control device shall be operating.

(b) For each Group 1 transfer rack the owner or operator shall comply with paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section.

(1) Use a control device to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to an exit concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen. If a boiler or process heater is used to comply with the percent reduction requirement, then the vent stream shall be introduced into the flame zone of such a device. Compliance may be achieved by using any combination of combustion, recovery, and/or recapture devices.

(2) Reduce emissions of organic HAPs using a flare.

(i) The flare shall comply with the requirements of § 63.11(b) of subpart A of this part.

(ii) Halogenated vent streams, as defined in § 63.111 of this subpart, shall not be vented to a flare.

(3) Reduce emissions of organic hazardous air pollutants using a vapor balancing system designed and operated to collect organic hazardous air pollutants vapors displaced from tank trucks or railcars during loading; and to route the collected hazardous air pollutants vapors to the storage vessel from which the liquid being loaded originated, or to another storage vessel connected to a common header, or to compress and route to a process collected hazardous air pollutants vapors.

(4) Route emissions of organic hazardous air pollutants to a fuel gas system or to a process where the organic hazardous air pollutants in the emissions shall predominantly meet one of, or a combination of, the ends specified in paragraphs (b)(4)(i) through (b)(4)(iv) of this section.

(i) Recycled and/or consumed in the same manner as a material that fulfills the same function in that process;

(ii) Transformed by chemical reaction into materials that are not organic hazardous air pollutants;

(iii) Incorporated into a product; and/or

(iv) Recovered.

(c) For each Group 2 transfer rack, the owner or operator shall maintain records as required in § 63.130(f). No other provisions for transfer racks apply to the Group 2 transfer rack.

(d) Halogenated emission streams from Group 1 transfer racks that are combusted shall be controlled according to paragraph (d)(1) or (d)(2) of this section. Determination of whether a vent stream is halogenated shall be made using procedures in (d)(3).

(1) If a combustion device is used to comply with paragraph (b)(1) of this section for a halogenated vent stream, then the vent stream exiting the combustion device shall be ducted to a halogen reduction device, including, but not limited to, a scrubber before it is discharged to the atmosphere.

(i) Except as provided in paragraph (d)(1)(ii) of this section, the halogen reduction device shall reduce overall emissions of hydrogen halides and halogens, as defined in § 63.111 of this subpart, by 99 percent or shall reduce the outlet mass emission rate of total hydrogen halides and halogens to 0.45 kilograms per hour or less, whichever is less stringent.

(ii) If a scrubber or other halogen reduction device was installed prior to December 31, 1992, the halogen reduction device shall reduce overall emissions of hydrogen halides and halogens, as defined in § 63.111 of this subpart, by 95 percent or shall reduce the outlet mass of total hydrogen halides and halogens to less than 0.45 kilograms per hour, whichever is less stringent.

(2) A halogen reduction device, such as a scrubber, or other technique may be used to make the vent stream non-halogenated by reducing the vent stream halogen atom mass emission rate to less than 0.45 kilograms per hour prior to any combustion control device used to comply with the requirements of paragraphs (b)(1) or (b)(2) of this section.

(3) In order to determine whether a vent stream is halogenated, the mass emission rate of halogen atoms contained in organic compounds shall be calculated.

(i) The vent stream concentration of each organic compound containing halogen atoms (parts per million by volume by compound) shall be determined based on the following procedures:

(A) Process knowledge that no halogen or hydrogen halides are present in the process, or

(B) Applicable engineering assessment as specified in § 63.115(d)(1)(iii) of this subpart, or

(C) Concentration of organic compounds containing halogens measured by Method 18 of 40 CFR part 60, appendix A, or

(D) Any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part.

(ii) The following equation shall be used to calculate the mass emission rate of halogen atoms:

$$E = K_2 V_s \left(\sum_{j=1}^{n} \sum_{i=1}^{m} C_j \times L_{ji} \times M_{ji} \right)$$

where:

E = Mass of halogen atoms, dry basis, kilograms per hour.

K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (kilogram-mole per standard cubic meter) (minute/hour), where standard temperature is 20 °C.

C_j = Concentration of halogenated compound j in the gas stream, dry basis, parts per million by volume.

M_{ji} = Molecular weight of halogen atom i in compound j of the gas stream, kilogram per kilogram-mole.

L_{ji} = Number of atoms of halogen i in compound j of the gas stream.

V_s = Flow rate of gas stream, dry standard cubic meters per minute, determined according to § 63.128(a)(8) of this subpart.

j = Halogenated compound j in the gas stream.

i = Halogen atom i in compound j of the gas stream.

n = Number of halogenated compounds j in the gas stream.

m = Number of different halogens i in each compound j of the gas stream.

(e) For each Group 1 transfer rack the owner or operator shall load organic HAPs into only tank trucks and railcars which:

(1) Have a current certification in accordance with the U. S. Department of Transportation pressure test requirements of 49 CFR part 180 for tank trucks and 49 CFR 173.31 for railcars; or

(2) Have been demonstrated to be vapor-tight within the preceding 12 months, as determined by the procedures in § 63.128(f) of this subpart. Vapor-tight means that the truck or railcar tank will sustain a pressure change of not more than 750 pascals within 5 minutes after it is pressurized to a minimum of 4,500 pascals.

(f) The owner or operator of a transfer rack subject to the provisions of this subpart shall load organic HAPs to only tank trucks or railcars equipped with vapor collection equipment that is compatible with the transfer rack's vapor collection system.

(g) The owner or operator of a transfer rack subject to this subpart shall load organic HAPs to only tank trucks or railcars whose collection systems are connected to the transfer rack's vapor collection systems.

(h) The owner or operator of a transfer rack subject to the provisions of this subpart shall ensure that no pressure-relief device in the transfer rack's vapor collection system or in the organic hazardous air pollutants loading equipment of each tank truck or railcar shall begin to open during loading. Pressure relief devices needed for safety purposes are not subject to this paragraph.

(i) Each valve in the vent system that would divert the vent stream to the atmosphere, either directly or indirectly, shall be secured in a non-diverting position using a car-seal or a lock-and-key type configuration, or shall be equipped with a flow indicator. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief devices needed for safety purposes are not subject to this paragraph.

§ 63.127 Transfer operations provisions—monitoring requirements.

(a) Each owner or operator of a Group 1 transfer rack equipped with a combustion device used to comply with the 98 percent total organic hazardous air pollutants reduction or 20 parts per million by volume outlet concentration requirements in § 63.126(b)(1) of this subpart shall install, calibrate, maintain, and operate according to the manufacturers' specifications (or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately) the monitoring equipment specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this section, as appropriate.

(1) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

(i) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.

(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Where a flare is used, a device (including but not limited to a thermocouple, infrared sensor, or an ultra-violet beam sensor) capable of continuously detecting the presence of a pilot flame is required.

(3) Where a boiler or process heater with a design heat input capacity less than 44 megawatts is used, a temperature monitoring device in the firebox equipped with a continuous recorder is required. Any boiler or process heater in which all vent streams are introduced with the primary fuel or are used as the primary fuel is exempt from this requirement.

(4) Where a scrubber is used with an incinerator, boiler, or process heater in the case of halogenated vent streams, the following monitoring equipment is required for the scrubber:

(i) A pH monitoring device equipped with a continuous recorder shall be installed to monitor the pH of the scrubber effluent.

(ii) A flow meter equipped with a continuous recorder shall be located at the scrubber influent for liquid flow. Gas stream flow shall be determined using one of the procedures specified in paragraphs (a)(4)(ii)(A) through (a)(4)(ii)(C) of this section.

(A) The owner or operator may determine gas stream flow using the design blower capacity, with appropriate adjustments for pressure drop.

(B) If the scrubber is subject to regulations in 40 CFR parts 264 through 266 that have required a determination of the liquid to gas (L/G) ratio prior to the applicable compliance date for this subpart specified in § 63.100(k) of subpart F of this part, the owner or operator may determine gas stream flow by the method that had been utilized to comply with those regulations. A determination that was conducted prior to the compliance date for this subpart may be utilized to comply with this subpart if it is still representative.

(C) The owner or operator may prepare and implement a gas stream flow determination plan that documents an appropriate method which will be used to determine the gas stream flow. The plan shall require determination of gas stream flow by a method which will at least provide a value for either a representative or the highest gas stream flow anticipated in the scrubber during representative operating conditions other than startups, shutdowns, or malfunctions. The plan shall include a description of the methodology to be followed and an explanation of how the selected methodology will reliably determine the gas stream flow, and a description of the records that will be maintained to document the determination of gas stream flow. The owner or operator shall maintain the plan as specified in § 63.103(c).

(b) Each owner or operator of a Group 1 transfer rack that uses a recovery device to comply with the 98 percent organic hazardous air pollutants reduction or 20 parts per million by volume hazardous air pollutants concentration requirements in § 63.126(b)(1) of this subpart shall install either an organic monitoring device equipped with a continuous recorder, or the monitoring equipment specified in paragraph (b)(1), (b)(2), or (b)(3) of this section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer’s specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(1) Where an absorber is used, a scrubbing liquid temperature monitoring device equipped with a continuous recorder shall be used; and a specific gravity monitoring device equipped with a continuous recorder shall be used.

(2) Where a condenser is used, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder shall be used.

(3) Where a carbon adsorber is used, an integrating regeneration stream flow monitoring device having an accuracy of ±10 percent or better, capable of recording the total regeneration stream mass flow for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the temperature of the carbon bed after regeneration and within 15 minutes of completing any cooling cycle shall be used.

(c) An owner or operator of a Group 1 transfer rack may request approval to monitor parameters other than those listed in paragraph (a) or (b) of this section. The request shall be submitted according to the procedures specified in § 63.151(f) or § 63.152(e) of this subpart. Approval shall be requested if the owner or operator:

(1) Seeks to demonstrate compliance with the standards specified in § 63.126(b) of this subpart with a control device other than an incinerator, boiler, process heater, flare, absorber, condenser, or carbon adsorber; or

(2) Uses one of the control devices listed in paragraphs (a) and (b) of this section, but seeks to monitor a parameter other than those specified in paragraphs (a) and (b) of this subpart.

(d) The owner or operator of a Group 1 transfer rack using a vent system that contains by-pass lines that could divert a vent stream flow away from the control device used to comply with § 63.126(b) of this subpart shall

comply with paragraph (d)(1) or (d)(2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(1) Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in § 63.130(b) of this subpart. The flow indicator shall be installed at the entrance to any by-pass line that could divert the vent stream away from the control device to the atmosphere; or

(2) Secure the by-pass line valve in the closed position with a car-seal or a lock-and-key type configuration.

(i) A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the by-pass line.

(ii) If a car-seal has been broken or a valve position changed, the owner or operator shall record that the vent stream has been diverted. The car-seal or lock-and-key combination shall be returned to the secured position as soon as practicable but not later than 15 calendar days after the change in position is detected.

(e) The owner or operator shall establish a range that indicates proper operation of the control device for each parameter monitored under paragraphs (a), (b), and (c) of this section. In order to establish the range, the information required in § 63.152(b)(2) of this subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment.

§ 63.128 Transfer operations provisions - test methods and procedures.

(a) A performance test is required for determining compliance with the reduction of total organic HAP emissions in § 63.126(b) of this subpart for all control devices except as specified in paragraph (c) of this section. Performance test procedures are as follows:

(1) For control devices shared between transfer racks and process vents, the performance test procedures in § 63.116(c) of this subpart shall be followed.

(2) A performance test shall consist of three runs.

(3) All testing equipment shall be prepared and installed as specified in the appropriate test methods.

(4) For control devices shared between multiple arms that load simultaneously, the minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15-minute intervals during the run.

(5) For control devices that are capable of continuous vapor processing but do not meet the conditions in (a)(7)(i)(B) of this section.

(A) Sampling sites shall be located at the inlet and outlet of the control device, except as provided in paragraph (a)(7)(i)(B) of this section.

(B) If a vent stream is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of paragraph (a)(1) or (a)(4) of this section, each run shall represent at least one complete filling period, during which liquid organic HAPs are loaded, and samples shall be collected using integrated sampling or grab samples taken at least four times per hour at approximately equal intervals of time, such as 15-minute intervals.

(6) For intermittent vapor processing systems that do not meet the conditions in paragraph (a)(1) or (a)(4) of this section, each run shall represent at least one complete control device cycle, and samples shall be collected using integrated sampling or grab samples taken at least four times per hour at approximately equal intervals of time, such as 15-minute intervals.

(7) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of sampling sites.

(i) For an owner or operator complying with the 98-percent total organic HAP reduction requirements in § 63.126(b)(1) of this subpart, sampling sites shall be located as specified in paragraph (a)(7)(i)(A) or (a)(7)(i)(B) of this section.

(A) Sampling sites shall be located at the inlet and outlet of the control device, except as provided in paragraph (a)(7)(i)(B) of this section.

(B) If a vent stream is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of the location of the inlet sampling sites shall ensure the measurement of total organic HAP or TOC (minus methane and ethane) concentrations in all vent streams and primary and secondary fuels introduced into the boiler or process heater. A sampling site shall also be located at the outlet of the boiler or process heater.

(ii) For an owner or operator complying with the 20 parts per million by volume limit in § 63.126(b)(1) of this subpart, the sampling site shall be located at the outlet of the control device.

(8) The volumetric flow rate, in standard cubic meters per minute at 20 °C, shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A as appropriate.

(9) For the purpose of determining compliance with the 20 parts per million by volume limit in § 63.126(b)(1), Method 18 or Method 25A of 40 CFR part 60, appendix A shall be used to measure either organic compound concentration or organic HAP concentration, except as provided in paragraph (a)(11) of this section.

(i) If Method 25A of 40 CFR part 60, appendix A is used, the following procedures shall be used to calculate the concentration of organic compounds (CT):

(A) The principal organic HAP in the vent stream shall be used as the calibration gas.

(B) The span value for Method 25A of 40 CFR part 60, appendix A shall be between 1.5 and 2.5 times the concentration being measured.

(C) Use of Method 25A of 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(D) The concentration of TOC shall be corrected to 3 percent oxygen using the procedures and equation in paragraph (a)(9)(v) of this section.

(ii) If Method 18 of 40 CFR part 60, appendix A is used to measure the concentration of organic compounds, the organic compound concentration (C_T) is the sum of the individual components and shall be computed for each run using the following equation:

$$C_T = \sum_{j=1}^{n} C_j$$

where:

C_T = Total concentration of organic compounds (minus methane and ethane), dry basis, parts per million by volume.

C_j = Concentration of sample components j, dry basis, parts per million by volume.

n = Number of components in the sample.

(iii) If an owner or operator uses Method 18 of 40 CFR part 60, appendix A to compute total organic HAP concentration rather than organic compounds concentration, the equation in paragraph (a)(9)(ii) of this section shall be used except that only organic HAP species shall be summed. The list of organic HAPs is provided in table 2 of subpart F of this part.

(iv) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR part 60, appendix A shall be used to determine the oxygen concentration. The sampling site shall be the same as that of the organic hazardous air pollutants or organic compound samples, and the samples shall be taken during the same time that the organic hazardous air pollutants or organic compound samples are taken.

(v) The organic compound concentration corrected to 3 percent oxygen (Cc) shall be calculated using the following equation:

$$C_c = C_T \left(\frac{17.9}{(20.9 - \%O_{2d})} \right)$$

C_c = Concentration of organic compounds corrected to 3 percent oxygen, dry basis, parts per million by volume.
C_T = Total concentration of organic compounds, dry basis, parts per million by volume.
$\%O_{2d}$ = Concentration of oxygen, dry basis, percent by volume.

(10) For the purpose of determining compliance with the 98-percent reduction requirement in § 63.126(b)(1) of this subpart, Method 18 or Method 25A of 40 CFR part 60, appendix A shall be used, except as provided in paragraph (a)(11) of this section.

(i) For the purpose of determining compliance with the reduction efficiency requirement, organic compound concentration may be measured in lieu of organic HAP concentration.

(ii) If Method 25A of 40 CFR part 60, appendix A is used to measure the concentration of organic compounds (CT), the principal organic HAP in the vent stream shall be used as the calibration gas.

(A) An emission testing interval shall consist of each 15-minute period during the performance test. For each interval, a reading from each measurement shall be recorded.

(B) The average organic compound concentration and the volume measurement shall correspond to the same emissions testing interval.

(C) The mass at the inlet and outlet of the control device during each testing interval shall be calculated as follows:

$$M_j = FKV_sC_T$$

where:
M_j = Mass of organic compounds emitted during testing interval j, kilograms.
V_s = Volume of air-vapor mixture exhausted at standard conditions, 20 °C and 760 millimeters mercury, standard cubic meters.
C_T = Total concentration of organic compounds (as measured) at the exhaust vent, parts per million by volume, dry basis.
K = Density, kilograms per standard cubic meter organic HAP. 659 kilograms per standard cubic meter organic HAP. (Note: The density term cancels out when the percent reduction is calculated. Therefore, the density used has no effect. The density of hexane is given so that it can be used to maintain the units of Mj.)
$F = 10^{-6}$ = Conversion factor, (cubic meters organic HAP per cubic meters air) * (parts per million by volume)$^{-1}$.

(D) The organic compound mass emission rates at the inlet and outlet of the control device shall be calculated as follows:

$$E_i = \frac{\sum_{j=1}^{n} Mi_j}{T} \qquad E_o = \frac{\sum_{j=1}^{n} M_{oj}}{T}$$

where:
E_i, E_o = Mass flow rate of organic compounds at the inlet (i) and outlet (o) of the combustion or recovery device, kilograms per hour.
M_{ij}, M_{oj} = Mass of organic compounds at the inlet (i) or outlet (o) during testing interval j, kilograms.
T = Total time of all testing intervals, hours.
n = Number of testing intervals.

(iii) If Method 18 of 40 CFR part 60, appendix A is used to measure organic compounds, the mass rates of organic compounds (Ei, Eo) shall be computed using the following equations:

$$E_i = K_2\left(\sum_{j=1}^{n} C_{ij}MW_{ij}\right)Q_i \qquad E_o = K_2\left(\sum_{j=1}^{n} C_{oj}MW_{oj}\right)Q_o$$

where:

C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

MW_{ij}, MW_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o = Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.

(iv) Where Method 18 or 25A of 40 CFR part 60, appendix A is used to measure the percent reduction in organic compounds, the percent reduction across the control device shall be calculated as follows:

$$R = \frac{E_i - E_o}{E_i}(100)$$

where:

R = Control efficiency of control device, percent.

E_i = Mass emitted or mass flow rate of organic compounds at the inlet to the combustion or recovery device as calculated under paragraph (a)(10)(ii)(D) or (a)(10)(iii) of this section, kilogram per hour.

E_o = Mass emitted or mass flow rate of organic compounds at the outlet of the combustion or recovery device, as calculated under paragraph (a)(10)(ii)(D) or (a)(10)(iii) of this section, kilogram per hour.

(11) The owner or operator may use any methods or data other than Method 18 or Method 25A of 40 CFR part 60, appendix A, if the method or data has been validated according to Method 301 of appendix A of this part.

(b) When a flare is used to comply with § 63.126(b)(2), the owner or operator shall comply with paragraphs (b)(1) through (3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration.

(1) Conduct a visible emission test using the techniques specified in § 63.11(b)(4). The observation period shall be as specified in paragraph (b)(1)(i) or (ii) of this section instead of the 2-hour period specified in § 63.11(b)(4).

(i) If the loading cycle is less than 2 hours, then the observation period for that run shall be for the entire loading cycle.

(ii) If additional loading cycles are initiated within the 2-hour period, then visible emission observations shall be conducted for the additional cycles.

(2) Determine the net heating value of the gas being combusted, using the techniques specified in § 63.11(b)(6).

(3) Determine the exit velocity using the techniques specified in either § 63.11(b)(7)(i) (and § 63.11(b)(7)(iii), where applicable) or § 63.11(b)(8), as appropriate.

(c) An owner or operator is not required to conduct a performance test when any of the conditions specified in paragraphs (c)(1) through (c)(7) of this section are met.

(1) When a boiler or process heater with a design heat input capacity of 44 megawatts or greater is used.

(2) When a boiler or process heater burning hazardous waste is used for which the owner or operator:

(i) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H, or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266 subpart H.

(3) When emissions are routed to a fuel gas system or when a boiler or process heater is used and the vent stream is introduced with the primary fuel.

(4) When a vapor balancing system is used.

(5) When emissions are recycled to a chemical manufacturing process unit.

(6) When a transfer rack transfers less than 11.8 million liters per year and the owner or operator complies with the requirements in paragraph (h) of this section or uses a flare to comply with § 63.126(b)(2) of this subpart.

(7) When a hazardous waste incinerator is used for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

(d) An owner or operator using a combustion device followed by a scrubber or other halogen reduction device to control a halogenated transfer vent stream in compliance with § 63.126(d) of this subpart shall conduct a performance test to determine compliance with the control efficiency or emission limits for hydrogen halides and halogens.

(1) For an owner or operator determining compliance with the percent reduction of total hydrogen halides and halogens, sampling sites shall be located at the inlet and outlet of the scrubber or other control device used to reduce halogen emissions. For an owner or operator complying with the 0.45 kilograms per hour outlet mass emission rate limit for total hydrogen halides and halogens, the sampling site shall be located at the outlet of the scrubber or other halogen reduction device and prior to release to the atmosphere.

(2) Except as provided in paragraph (d)(5) of this section, Method 26 or 26A of 40 CFR part 60, appendix A, shall be used to determine the concentration in milligrams per dry standard cubic meter of the hydrogen halides and halogens that may be present in the stream. The mass emission rate of each hydrogen halide and halogen compound shall be calculated from the concentrations and the gas stream flow rate.

(3) To determine compliance with the percent emissions reduction limit, the mass emission rate for any hydrogen halides and halogens present at the scrubber inlet shall be summed together. The mass emission rate of the compounds present at the scrubber outlet shall be summed together. Percent reduction shall be determined by comparison of the summed inlet and outlet measurements.

(4) To demonstrate compliance with the 0.45 kilograms per hour mass emission rate limit, the test results must show that the mass emission rate of the total hydrogen halides and halogens measured at the scrubber outlet is below 0.45 kilograms per hour.

(5) The owner or operator may use any other method or data to demonstrate compliance if the method or data has been validated according to the protocol of Method 301 of appendix A of this part.

(e) The owner or operator shall inspect the vapor collection system and vapor balancing system, according to the requirements for vapor collection systems in § 63.148 of this subpart.

(1) Inspections shall be performed only while a tank truck or railcar is being loaded.

(2) For vapor collection systems only, an inspection shall be performed prior to each performance test required to demonstrate compliance with § 63.126(b)(1) of this subpart.

(3) For each vapor collection system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.148 of this subpart.

(f) For the purposes of demonstrating vapor tightness to determine compliance with § 63.126(e)(2) of this subpart, the following procedures and equipment shall be used:

(1) The pressure test procedures specified in Method 27 of 40 CFR part 60, appendix A; and

(2) A pressure measurement device which has a precision of ±2.5 millimeters of mercury or better and which is capable of measuring above the pressure at which the tank truck or railcar is to be tested for vapor tightness.

(g) An owner or operator using a scrubber or other halogen reduction device to reduce the vent stream halogen atom mass emission rate to less than 0.45 kilograms per hour prior to a combustion device used to comply with § 63.126(d)(2) shall determine the halogen atom mass emission rate prior to the combustor according to the procedures in paragraph (d)(3) of this section.

(h) For transfer racks that transfer less than 11.8 million liters per year of liquid organic HAPs, the owner or operator may comply with the requirements in paragraphs (h)(1) through (h)(3) of this section instead of the requirements in paragraph (a) or (b) of this section.

(1) The owner or operator shall prepare, as part of the Notification of Compliance Status required by § 63.152(b) of this subpart, a design evaluation that shall document that the control device being used achieves the required control efficiency during reasonably expected maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and organic HAP content, and the information specified in paragraphs (h)(1)(i) through (h)(1)(v) of this section, as applicable.

(i) If the control device receives vapors, gases, or liquids, other than fuels, from emission points other than transfer racks subject to this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids, other than fuels, received by the control device.

(ii) If an enclosed combustion device with a minimum residence time of 0.5 seconds and a minimum temperature of 760 degrees Celsius is used to meet the 98-percent emission reduction requirement, documentation that those conditions exist is sufficient to meet the requirements of paragraph (h)(1) of this section.

(iii) Except as provided in paragraph (h)(1)(ii) of this section, for thermal incinerators, the design evaluation shall include the autoignition temperature of the organic HAP, the flow rate of the organic HAP emission stream, the combustion temperature, and the residence time at the combustion temperature.

(iv) For carbon adsorbers, the design evaluation shall include the affinity of the organic HAP vapors for carbon, the amount of carbon in each bed, the number of beds, the humidity of the feed gases, the temperature of the feed gases, the flow rate of the organic HAP emission stream, the desorption schedule, the regeneration stream pressure or temperature, and the flow rate of the regeneration stream. For vacuum desorption, pressure drop shall be included.

(v) For condensers, the design evaluation shall include the final temperature of the organic HAP vapors, the type of condenser, and the design flow rate of the organic HAP emission stream.

(2) The owner or operator shall submit, as part of the Notification of Compliance Status required by § 63.152(b) of this subpart, the operating range for each monitoring parameter identified for each control device. The specified operating range shall represent the conditions for which the control device can achieve the 98-percent-or-greater emission reduction required by § 63.126(b)(1) of this subpart.

(3) The owner or operator shall monitor the parameters specified in the Notification of Compliance Status required in § 63.152(b) of this subpart or operating permit and shall operate and maintain the control device such that the monitored parameters remain within the ranges specified in the Notification of Compliance Status, except as provided in §§ 63.152(c) and 63.152(f) of this subpart.

§ 63.129 Transfer operations provisions - reporting and recordkeeping for performance tests and notification of compliance status.

(a) Each owner or operator of a Group 1 transfer rack shall:

(1) Keep an up-to-date, readily accessible record of the data specified in paragraphs (a)(4) through (a)(8) of this section, as applicable.

(2) Include the data specified in paragraphs (a)(4) through (a)(7) of this section in the Notification of Compliance Status report as specified in § 63.152(b) of this subpart.

(3) If any subsequent performance tests are conducted after the Notification of Compliance Status has been submitted, report the data in paragraphs (a)(4) through (a)(7) of this section in the next Periodic Report as specified in § 63.152(c) of this subpart.

(4) Record and report the following when using a control device other than a flare to achieve a 98 weight percent reduction in total organic HAP or a total organic HAP concentration of 20 parts per million by volume, as specified in § 63.126(b)(1) of this subpart:

(i) The parameter monitoring results for thermal incinerators, catalytic incinerators, boilers or process heaters, absorbers, condensers, or carbon adsorbers specified in table 7 of this subpart, recorded during the performance test, and averaged over the time period of the performance testing.

(ii) The percent reduction of total organic HAP or TOC achieved by the control device determined as specified in § 63.128(a) of this subpart, or the concentration of total organic HAP or TOC (parts per million by volume, by compound) determined as specified in § 63.128(a) of this subpart at the outlet of the control device. For combustion devices, the concentration shall be reported on a dry basis corrected to 3-percent oxygen.

(iii) The parameters shall be recorded at least every 15 minutes.

(iv) For a boiler or process heater, a description of the location at which the vent stream is introduced into the boiler or process heater.

(5) Record and report the following when using a flare to comply with § 63.126(b)(2) of this subpart:

(i) Flare design (i.e., steam-assisted, air-assisted, or non-assisted);

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by § 63.128(b) of this subpart; and

(iii) All periods during the compliance determination when the pilot flame is absent.

(6) Record and report the following when using a scrubber following a combustion device to control a halogenated vent stream, as specified in § 63.126(d) of this subpart:

(i) The percent reduction or scrubber outlet mass emission rate of total hydrogen halides and halogens determined according to the procedures in § 63.128(d) of this subpart;

(ii) The parameter monitoring results for scrubbers specified in table 7 of this subpart, and averaged over the time period of the performance test; and

(iii) The parameters shall be recorded at least every 15 minutes.

(7) Record and report the halogen concentration in the vent stream determined according to the procedures as specified in § 63.128(d) of this subpart.

(8) Report that the emission stream is being routed to a fuel gas system or a process, when complying using § 63.126(b)(4).

(b) If an owner or operator requests approval to use a control device other than those listed in table 7 of this subpart or to monitor a parameter other than those specified in table 7 of this subpart, the owner or operator shall submit a description of planned reporting and recordkeeping procedures as required under § 63.151(f) or § 63.152(e) of this subpart. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(c) For each parameter monitored according to table 7 of this subpart or paragraph (b) of this section, the owner or operator shall establish a range for the parameter that indicates proper operation of the control device. In order to establish the range, the information required in § 63.152(b)(2) of this subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment.

(d) Each owner or operator shall maintain a record describing in detail the vent system used to vent each affected transfer vent stream to a control device. This document shall list all valves and vent pipes that could vent the stream to the atmosphere, thereby by-passing the control device; identify which valves are secured by car-seals or lock-and-key type configurations; and indicate the position (open or closed) of those valves which have car-seals. Equipment leaks such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(e) An owner or operator meeting the requirements of § 63.128(h) of this subpart shall submit, as part of the Implementation Plan required by § 63.151(c) of this subpart, the information specified in § 63.128(h)(1) of this subpart.

(f) An owner or operator meeting the requirements of § 63.128(h) of this subpart shall submit, as part of the Notification of Compliance Status required by § 63.152(b) of this subpart, the operating range for each monitoring parameter identified for each control device.

§ 63.130 Transfer operations provisions - periodic recordkeeping and reporting.

(a) Each owner or operator using a control device to comply with § 63.126(b)(1) or (b)(2) of this subpart shall keep the following up-to-date, readily accessible records:

(1) While the transfer vent stream is being vented to the control device, continuous records of the equipment operating parameters specified to be monitored under § 63.127 of this subpart, and listed in table 7 of this subpart or specified by the Administrator in accordance with §§ 63.127(c) and 63.129(b). For flares, the hourly records and records of pilot flame outages specified in table 7 shall be maintained in place of continuous records.

(2) Records of the daily average value of each monitored parameter for each operating day determined according to the procedures specified in § 63.152(f), except as provided in paragraphs (a)(2)(i) through (a)(2)(iii) of this section.

(i) For flares, records of the times and duration of all periods during which the pilot flame is absent shall be kept rather than daily averages.

(ii) If carbon adsorber regeneration stream flow and carbon bed regeneration temperature are monitored, the records specified in table 7 of this subpart shall be kept instead of the daily averages.

(iii) Records of the duration of all periods when the vent stream is diverted through by-pass lines shall be kept rather than daily averages.

(3) For boilers or process heaters, records of any changes in the location at which the vent stream is introduced into the flame zone as required under the reduction of total organic HAP emissions in § 63.126(b)(1) of this subpart.

(b) If a vapor collection system containing valves that could divert the emission stream away from the control device is used, each owner or operator of a Group 1 transfer rack subject to the provisions of § 63.127(d) of this subpart shall keep up-to-date, readily accessible records of:

(1) Hourly records of whether the flow indicator specified under § 63.127(d)(1) was operating and whether a diversion was detected at any time during the hour, as well as records of the times durations of all periods when the vent stream is diverted from the control device or the flow indicator is not operating.

(2) Where a seal mechanism is used to comply with § 63.127(d)(2), hourly records of flow are not required. In such cases, the owner or operator shall record that the monthly visual inspection of the seals or closure mechanisms has been done, and shall record the occurrence of all periods when the seal mechanism is broken, the by-pass line valve position has changed, or the key for a lock-and-key type lock has been checked out, and records of any car-seal that has broken, as listed in table 7 of this subpart.

(c) Each owner or operator of a Group 1 transfer rack who uses a flare to comply with § 63.126(b)(2) of this subpart shall keep up-to-date, readily accessible records of the flare pilot flame monitoring specified under § 63.127(a)(2) of this subpart.

(d) Each owner or operator of a transfer rack subject to the requirements of § 63.126 of this subpart shall submit to the Administrator Periodic Reports of the following information according to the schedule in § 63.152(c) of this subpart:

(1) Reports of daily average values of monitored parameters for all operating days when the daily average values were outside the range established in the Notification of Compliance Status or operating permit.

(2) Reports of the duration of periods when monitoring data are not collected for each excursion caused by insufficient monitoring data as defined in § 63.152(c)(2)(ii)(A) of this subpart.

(3) Reports of the times and durations of all periods recorded under paragraph (b)(1) of this section when the vent stream was diverted from the control device.

(4) Reports of all times recorded under paragraph (b)(2) of this section when maintenance is performed on car-sealed valves, when the car-seal is broken, when the by-pass line valve position is changed, or the key for a lock-and-key type configuration has been checked out.

(5) Reports of the times and durations of all periods recorded under paragraph (a)(2)(i) of this section in which all pilot flames of a flare were absent.

(6) Reports of all carbon bed regeneration cycles during which the parameters recorded under paragraph (a)(2)(vi) of this section were outside the ranges established in the Notification of Compliance Status or operating permit.

(e) The owner or operator of a Group 1 transfer rack shall record that the verification of DOT tank certification or Method 27 testing, required in § 63.126(e) of this subpart, has been performed. Various methods for the record of verification can be used, such as: A check off on a log sheet; a list of DOT serial numbers or Method 27 data; or a position description for gate security, showing that the security guard will not allow any trucks on site that do not have the appropriate documentation.

(f) Each owner or operator of a Group 1 or Group 2 transfer rack shall record, update annually, and maintain the information specified in paragraphs (f)(1) through (f)(3) of this section in a readily accessible location on site:

(1) An analysis demonstrating the design and actual annual throughput of the transfer rack;

(2) An analysis documenting the weight-percent organic HAPs in the liquid loaded. Examples of acceptable documentation include but are not limited t analyses of the material and engineering calculations.

(3) An analysis documenting the annual rack weighted average HAP partial pressure of the transfer rack.

(i) For Group 2 transfer racks that are limited to transfer of organic HAPs with partial pressures less than 10.3 kilopascals, documentation is required of the organic HAPs (by compound) that are transferred. The rack weighted average partial pressure does not need to be calculated.

(ii) For racks transferring one or more organic HAPs with partial pressures greater than 10.3 kilopascals, as well as one or more organic HAPs with partial pressures less than 10.3 kilopascals, a rack weighted partial pressure shall be documented. The rack weighted average HAP partial pressure shall be weighted by the annual through-put of each chemical transferred.

§ 63.131 [Reserved]

§ 63.132 Process wastewater provisions - general.

(a) *Existing sources*. This paragraph specifies the requirements applicable to process wastewater streams located at existing sources. The owner or operator shall comply with the requirements in paragraphs (a)(1) through (a)(3) of this section, no later than the applicable dates specified in § 63.100 of subpart F of this part.

(1) *Determine wastewater streams to be controlled for Table 9 compounds*. Determine whether each wastewater stream requires control for Table 9 compounds by complying with the requirements in either paragraph (a)(1)(i) or (a)(1)(ii) of this section, and comply with the requirements in paragraph (a)(1)(iii) of this section.

(i) Comply with paragraph (c) of this section, determining whether the wastewater stream is Group 1 or Group 2 for Table 9 compounds; or

(ii) Comply with paragraph (e) of this section, designating the wastewater stream as a Group 1 wastewater stream.

(iii) Comply with paragraph (f) of this section.

(2) *Requirements for Group 1 wastewater streams*. For wastewater streams that are Group 1 for Table 9 compounds, comply with paragraphs (a)(2)(i) through (a)(2)(iv) of this section.

(i) Comply with the applicable requirements for wastewater tanks, surface impoundments, containers, individual drain systems, and oil/water separators as specified in § 63.133 through § 63.137 of this subpart, except as provided in paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) of this section and § 63.138(a)(3) of this subpart.

(A) The waste management units may be equipped with pressure relief devices that vent directly to the atmosphere provided the pressure relief device is not used for planned or routine venting of emissions.

(B) The pressure relief device remains in a closed position at all times except when it is necessary for the pressure relief device to open for the purpose of preventing physical damage or permanent deformation of the waste management unit in accordance with good engineering and safety practices.

(ii) Comply with the applicable requirements for control of Table 9 compounds as specified in § 63.138 of this subpart. Alternatively, the owner or operator may elect to comply with the treatment provisions specified in § 63.132(g) of this subpart.

(iii) Comply with the applicable monitoring and inspection requirements specified in § 63.143 of this subpart.

(iv) Comply with the applicable recordkeeping and reporting requirements specified in §§ 63.146 and 63.147 of this subpart.

(3) *Requirements for Group 2 wastewater streams*. For wastewater streams that are Group 2 for table 9 compounds, comply with the applicable recordkeeping and reporting requirements specified in §§ 63.146(b)(1) and 63.147(b)(8).

(b) *New sources*. This paragraph specifies the requirements applicable to process wastewater streams located at new sources. The owner or operator shall comply with the requirements in paragraphs (b)(1) through (b)(4) of this section, no later than the applicable dates specified in § 63.100 of subpart F of this part.

(1) *Determine wastewater streams to be controlled for Table 8 compounds*. Determine whether each wastewater stream requires control for Table 8 compounds by complying with the requirements in either paragraph (b)(1)(i) or (b)(1)(ii) of this section, and comply with the requirements in paragraph (b)(1)(iii) of this section.

(i) Comply with paragraph (d) of this section, determining whether the wastewater stream is Group 1 or Group 2 for Table 8 compounds; or

(ii) Comply with paragraph (e) of this section, designating the wastewater stream as a Group 1 wastewater stream for Table 8 compounds.

(iii) Comply with paragraph (f) of this section.

(2) *Determine wastewater streams to be controlled for Table 9 compounds*. Determine whether each wastewater stream requires control for Table 9 compounds by complying with the requirements in either paragraph (b)(2)(i) or (b)(2)(ii) of this section, and comply with the requirements in paragraph (b)(2)(iii) of this section.

(i) Comply with paragraph (c) of this section, determining whether the wastewater stream is Group 1 or Group 2 for Table 9 compounds; or

(ii) Comply with paragraph (e) of this section, designating the wastewater stream as a Group 1 wastewater stream.

(iii) Comply with paragraph (f) of this section.

(3) *Requirements for Group 1 wastewater streams*. For wastewater streams that are Group 1 for Table 8 compounds and/or Table 9 compounds, comply with paragraphs (b)(3)(i) through (b)(3)(iv) of this section.

(i) Comply with the applicable requirements for wastewater tanks, surface impoundments, containers, individual drain systems, and oil/water separators specified in the requirements of § 63.133 through § 63.137 of this subpart, except as provided in paragraphs (b)(3)(i)(A) and (b)(3)(i)(B) of this section and § 63.138(a)(3) of this subpart.

(A) The waste management units may be equipped with pressure relief devices that vent directly to the atmosphere provided the pressure relief device is not used for planned or routine venting of emissions.

(B) The pressure relief device remains in a closed position at all times except when it is necessary for the pressure relief device to open for the purpose of preventing physical damage or permanent deformation of the waste management unit in accordance with good engineering and safety practices.

(ii) Comply with the applicable requirements for control of Table 8 compounds specified in § 63.138 of this subpart. Alternatively, the owner or operator may elect to comply with the provisions specified in § 63.132(g) of this subpart.

(iii) Comply with the applicable monitoring and inspection requirements specified in § 63.143 of this subpart.

(iv) Comply with the applicable recordkeeping and reporting requirements specified in §§ 63.146 and 63.147 of this subpart.

(4) *Requirements for Group 2 wastewater streams*. For wastewater streams that are Group 2 for both Table 8 and Table 9 compounds, comply with the applicable recordkeeping and reporting requirements specified in §§ 63.146(b)(1) and 63.147(b)(8).

(c) *How to determine Group 1 or Group 2 status for Table 9 compounds*. This paragraph provides instructions for determining whether a wastewater stream is Group 1 or Group 2 for Table 9 compounds. Total annual average concentration shall be determined according to the procedures specified in § 63.144(b) of this subpart. Annual average flow rate shall be determined according to the procedures specified in § 63.144(c) of this subpart.

(1) A wastewater stream is a Group 1 wastewater stream for Table 9 compounds if:

(i) The total annual average concentration of Table 9 compounds is greater than or equal to 10,000 parts per million by weight at any flow rate; or

(ii) The total annual average concentration of Table 9 compounds is greater than or equal to 1,000 parts per million by weight and the annual average flow rate is greater than or equal to 10 liters per minute.

(2) A wastewater stream is a Group 2 wastewater stream for Table 9 compounds if it is not a Group 1 wastewater stream for Table 9 compounds by the criteria in paragraph (c)(1) of this section.

(d) *How to determine Group 1 or Group 2 status for Table 8 compounds*. This paragraph provides instructions for determining whether a wastewater stream is Group 1 or Group 2 for Table 8 compounds. Annual average concentration for each Table 8 compound shall be determined

according to the procedures specified in § 63.144(b) of this subpart. Annual average flow rate shall be determined according to the procedures specified in § 63.144(c) of this subpart.

(1) A wastewater stream is a Group 1 wastewater stream for Table 8 compounds if the annual average flow rate is 0.02 liter per minute or greater and the annual average concentration of any individual table 8 compound is 10 parts per million by weight or greater.

(2) A wastewater stream is a Group 2 wastewater stream for Table 8 compounds if the annual average flow rate is less than 0.02 liter per minute or the annual average concentration for each individual Table 8 compound is less than 10 parts per million by weight.

(e) *How to designate a Group 1 wastewater stream*. The owner or operator may elect to designate a wastewater stream a Group 1 wastewater stream in order to comply with paragraph (a)(1) or (b)(1) of this section. To designate a wastewater stream or a mixture of wastewater streams a Group 1 wastewater stream, the procedures specified in paragraphs (e)(1) and (e)(2) of this section and § 63.144(a)(2) of this subpart shall be followed.

(1) From the point of determination for each wastewater stream that is included in the Group 1 designation to the location where the owner or operator elects to designate such wastewater stream(s) as a Group 1 wastewater stream, the owner or operator shall comply with all applicable emission suppression requirements specified in §§ 63.133 through 63.137.

(2) From the location where the owner or operator designates a wastewater stream or mixture of wastewater streams to be a Group 1 wastewater stream, such Group 1 wastewater stream shall be managed in accordance with all applicable emission suppression requirements specified in §§ 63.133 through 63.137 and with the treatment requirements in § 63.138 of this part.

(f) Owners or operators of sources subject to this subpart shall not discard liquid or solid organic materials with a concentration of greater than 10,000 parts per million of Table 9 compounds (as determined by analysis of the stream composition, engineering calculations, or process knowledge, according to the provisions of § 63.144(b) of this subpart) from a chemical manufacturing process unit to water or wastewater, unless the receiving stream is managed and treated as a Group 1 wastewater stream. This prohibition does not apply to materials from the activities listed in paragraphs (f)(1) through (f)(4) of this section.

(1) Equipment leaks;

(2) Activities included in maintenance or startup/shutdown/malfunction plans;

(3) Spills; or

(4) Samples of a size not greater than reasonably necessary for the method of analysis that is used.

(g) *Off-site treatment or on-site treatment not owned or operated by the source*. The owner or operator may elect to transfer a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream to an on-site treatment operation not owned or operated by the owner or operator of the source generating the wastewater stream or residual, or to an off-site treatment operation.

(1) The owner or operator transferring the wastewater stream or residual shall:

(i) Comply with the provisions specified in §§ 63.133 through 63.137 of this subpart for each waste management unit that receives or manages a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream prior to shipment or transport.

(ii) Include a notice with the shipment or transport of each Group 1 wastewater stream or residual removed from a Group 1 wastewater stream. The notice shall state that the wastewater stream or residual contains organic hazardous air pollutants that are to be treated in accordance with the provisions of this subpart. When the transport is continuous or ongoing (for

example, discharge to a publicly-owned treatment works), the notice shall be submitted to the treatment operator initially and whenever there is a change in the required treatment.

(2) The owner or operator may not transfer the wastewater stream or residual unless the transferee has submitted to the EPA a written certification that the transferee will manage and treat any Group 1 wastewater stream or residual removed from a Group 1 wastewater stream received from a source subject to the requirements of this subpart in accordance with the requirements of either §§ 63.133 through 63.147, or § 63.102(b) of subpart F, or subpart D of this part if alternative emission limitations have been granted the transferor in accordance with those provisions. The certifying entity may revoke the written certification by sending a written statement to the EPA and the owner or operator giving at least 90 days notice that the certifying entity is rescinding acceptance of responsibility for compliance with the regulatory provisions listed in this paragraph. Upon expiration of the notice period, the owner or operator may not transfer the wastewater stream or residual to the treatment operation.

(3) By providing this written certification to the EPA, the certifying entity accepts responsibility for compliance with the regulatory provisions listed in paragraph (g)(2) of this section with respect to any shipment of wastewater or residual covered by the written certification. Failure to abide by any of those provisions with respect to such shipments may result in enforcement action by the EPA against the certifying entity in accordance with the enforcement provisions applicable to violations of these provisions by owners or operators of sources.

(4) Written certifications and revocation statements, to the EPA from the transferees of wastewater or residuals shall be signed by the responsible official of the certifying entity, provide the name and address of the certifying entity, and be sent to the appropriate EPA Regional Office at the addresses listed in 40 CFR 63.13. Such written certifications are not transferable by the treater.

§ 63.133 Process wastewater provisions - wastewater tanks.

(a) For each wastewater tank that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of either paragraph (a)(1) or (a)(2) of this section as specified in table 10 of this subpart.

(1) The owner or operator shall operate and maintain a fixed roof except that if the wastewater tank is used for heating wastewater, or treating by means of an exothermic reaction or the contents of the tank is sparged, the owner or operator shall comply with the requirements specified in paragraph (a)(2) of this section.

(2) The owner or operator shall comply with the requirements in paragraphs (b) through (h) of this section and shall operate and maintain one of the emission control techniques listed in paragraphs (a)(2)(i) through (a)(2)(iv) of this section.

(i) A fixed roof and a closed-vent system that routes the organic hazardous air pollutants vapors vented from the wastewater tank to a control device.

(ii) A fixed roof and an internal floating roof that meets the requirements specified in § 63.119(b) of this subpart;

(iii) An external floating roof that meets the requirements specified in §§ 63.119(c), 63.120(b)(5), and 63.120(b)(6) of this subpart; or

(iv) An equivalent means of emission limitation. Determination of equivalence to the reduction in emissions achieved by the requirements of paragraphs (a)(2)(i) through (a)(2)(iii) of this section will be evaluated according to § 63.102(b) of subpart F of this part. The determination will be based on the application to the Administrator which shall include the information specified in either paragraph (a)(2)(iv)(A) or (a)(2)(iv)(B) of this section.

(A) Actual emissions tests that use full-size or scale-model wastewater

tanks that accurately collect and measure all organic hazardous air pollutants emissions from a given control technique, and that accurately simulate wind and account for other emission variables such as temperature and barometric pressure, or

(B) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(b) If the owner or operator elects to comply with the requirements of paragraph (a)(2)(i) of this section, the fixed roof shall meet the requirements of paragraph (b)(1) of this section, the control device shall meet the requirements of paragraph (b)(2) of this section, and the closed-vent system shall meet the requirements of paragraph (b)(3) of this section.

(1) The fixed-roof shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the fixed roof and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in § 63.148 of this subpart.

(ii) Each opening shall be maintained in a closed position (e.g., covered by a lid) at all times that the wastewater tank contains a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream except when it is necessary to use the opening for wastewater sampling, removal, or for equipment inspection, maintenance, or repair.

(2) The control device shall be designed, operated, and inspected in accordance with the requirements of § 63.139 of this subpart.

(3) Except as provided in paragraph (b)(4) of this section, the closed-vent system shall be inspected in accordance with the requirements of § 63.148 of this subpart.

(4) For any fixed roof tank and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.148 of this subpart.

(c) If the owner or operator elects to comply with the requirements of paragraph (a)(2)(ii) of this section, the floating roof shall be inspected according to the procedures specified in § 63.120(a)(2) and (a)(3) of this subpart.

(d) Except as provided in paragraph (e) of this section, if the owner or operator elects to comply with the requirements of paragraph (a)(2)(iii) of this section, seal gaps shall be measured according to the procedures specified in § 63.120(b)(2)(i) through (b)(4) of this subpart and the wastewater tank shall be inspected to determine compliance with § 63.120(b)(5) and (b)(6) of this subpart.

(e) If the owner or operator determines that it is unsafe to perform the seal gap measurements specified in § 63.120(b)(2)(i) through (b)(4) of this subpart or to inspect the wastewater tank to determine compliance with § 63.120(b)(5) and (b)(6) of this subpart because the floating roof appears to be structurally unsound and poses an imminent or potential danger to inspecting personnel, the owner or operator shall comply with the requirements in either paragraph (e)(1) or (e)(2) of this section.

(1) The owner or operator shall measure the seal gaps or inspect the wastewater tank within 30 calendar days of the determination that the floating roof is unsafe, or

(2) The owner or operator shall empty and remove the wastewater tank from service within 45 calendar days of determining that the roof is unsafe. If the wastewater tank cannot be emptied within 45 calendar days, the owner or operator may utilize up to two extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include an explanation of why it was unsafe to perform the inspection or seal gap measurement, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the wastewater tank will be emptied as soon as practical.

(f) Except as provided in paragraph (e) of this section, each wastewater tank shall be inspected initially, and semi-annually thereafter, for improper work practices in accordance with § 63.143 of this subpart. For wastewater tanks, improper work practice includes, but is not limited to, leaving open any access door or other opening when such door or opening is not in use.

(g) Except as provided in paragraph (e) of this section, each wastewater tank shall be inspected for control equipment failures as defined in paragraph (g)(1) of this section according to the schedule in paragraphs (g)(2) and (g)(3) of this section.

(1) Control equipment failures for wastewater tanks include, but are not limited to, the conditions specified in paragraphs (g)(1)(i) through (g)(1)(ix) of this section.

(i) The floating roof is not resting on either the surface of the liquid or on the leg supports.

(ii) There is stored liquid on the floating roof.

(iii) A rim seal is detached from the floating roof.

(iv) There are holes, tears, cracks or gaps in the rim seal or seal fabric of the floating roof.

(v) There are visible gaps between the seal of an internal floating roof and the wall of the wastewater tank.

(vi) There are gaps between the metallic shoe seal or the liquid mounted primary seal of an external floating roof and the wall of the wastewater tank that exceed 212 square centimeters per meter of tank diameter or the width of any portion of any gap between the primary seal and the tank wall exceeds 3.81 centimeters.

(vii) There are gaps between the secondary seal of an external floating roof and the wall of the wastewater tank that exceed 21.2 square centimeters per meter of tank diameter or the width of any portion of any gap between the secondary seal and the tank wall exceeds 1.27 centimeters.

(viii) Where a metallic shoe seal is used on an external floating roof, one end of the metallic shoe does not extend into the stored liquid or one end of the metallic shoe does not extend a minimum vertical distance of 61 centimeters above the surface of the stored liquid.

(ix) A gasket, joint, lid, cover, or door has a crack or gap, or is broken.

(2) The owner or operator shall inspect for the control equipment failures in paragraphs (g)(1)(i) through (g)(1)(viii) of this section according to the schedule specified in paragraphs (c) and (d) of this section.

(3) The owner or operator shall inspect for the control equipment failures in paragraph (g)(1)(ix) of this section initially, and semi-annually thereafter.

(h) Except as provided in § 63.140 of this subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification. If a failure that is detected during inspections required by this section cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to two extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

§ 63.134 Process wastewater provisions - surface impoundments.

(a) For each surface impoundment that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (b), (c), and (d) of this section.

(b) The owner or operator shall operate and maintain on each surface impoundment either a cover (e.g., air-supported structure or rigid cover) and a closed-vent system that routes the organic hazardous air pollutants vapors vented from the surface impoundment to a control device in accordance with paragraph (b)(1) of this section, or a floating flexible membrane cover as specified in paragraph (b)(2) of this section.

(1) The cover and all openings shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in § 63.148 of this subpart.

(ii) Each opening shall be maintained in a closed position (e.g., covered by a lid) at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream is in the surface impoundment except when it is necessary to use the opening for sampling, removal, or for equipment inspection, maintenance, or repair.

(iii) The cover shall be used at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream is in the surface impoundment except during removal of treatment residuals in accordance with 40 CFR 268.4 or closure of the surface impoundment in accordance with 40 CFR 264.228.

(2) Floating flexible membrane covers shall meet the requirements specified in paragraphs (b)(2)(i) through (b)(2)(vii) of this section.

(i) The floating flexible cover shall be designed to float on the liquid surface during normal operations, and to form a continuous barrier over the entire surface area of the liquid.

(ii) The cover shall be fabricated from a synthetic membrane material that is either:

(A) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (100 mils); or

(B) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in paragraph (b)(2)(ii)(A) of this section, and chemical and physical properties that maintain the material integrity for the intended service life of the material.

(iii) The cover shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

(iv) Except as provided for in paragraph (b)(2)(v) of this section, each opening in the floating membrane cover shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

(v) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.

(vi) The closure devices shall be made of suitable materials that will minimize exposure of organic hazardous air pollutants to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered in designing the closure devices shall include: The effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

(vii) Whenever a Group 1 wastewater stream or residual from a Group 1 wastewater stream is in the surface impoundment, the floating membrane cover shall float on the liquid and each closure device shall be secured in the closed position. Opening of closure devices or removal of the cover is allowed to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations and/or to remove accumulated sludge or other residues from the bottom of surface impoundment. Openings shall be maintained in accordance with § 63.148 of this subpart.

(3) The control device shall be designed, operated, and inspected in accordance with § 63.139 of this subpart.

(4) Except as provided in paragraph (b)(5) of this section, the closed-vent system shall be inspected in accordance with § 63.148 of this subpart.

(5) For any cover and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.148 of this subpart.

(c) Each surface impoundment shall be inspected initially, and semi-annually thereafter, for improper work practices and control equipment failures in accordance with § 63.143 of this subpart.

(1) For surface impoundments, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use.

(2) For surface impoundments, control equipment failure includes, but is not limited to, any time a joint, lid, cover, or door has a crack or gap, or is broken.

(d) Except as provided in § 63.140 of this subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification.

§ 63.135 Process wastewater provisions - containers.

(a) For each container that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (b) through (f) of this section.

(b) The owner or operator shall operate and maintain a cover on each container used to handle, transfer, or store a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream in accordance with the following requirements:

(1) Except as provided in paragraph (d)(4) of this section, if the capacity of the container is greater than 0.42 m^3, the cover and all openings (e.g., bungs, hatches, sampling ports, and pressure relief devices) shall be maintained in accordance with the requirements specified in § 63.148 of this subpart.

(2) If the capacity of the container is less than or equal to 0.42 m^3, the owner or operator shall comply with either paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(i) The container must meet existing Department of Transportation specifications and testing requirements under 49 CFR part 178; or

(ii) Except as provided in paragraph (d)(4) of this section, the cover and all openings shall be maintained without leaks as specified in § 63.148 of this subpart.

(3) The cover and all openings shall be maintained in a closed position (e.g., covered by a lid) at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewaterstream is in the container except when it is necessary to use the opening for filling, removal, inspection, sampling, or pressure relief events related to safety considerations.

(c) For containers with a capacity greater than or equal to 0.42 m^3, a submerged fill pipe shall be used when a container is being filled by pumping with a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream.

(1) The submerged fill pipe outlet shall extend to no more than 6 inches or within two fill pipe diameters of the bottom of the container while the container is being filled.

(2) The cover shall remain in place and all openings shall be maintained in a closed position except for those openings required for the submerged fill pipe and for venting of the container to prevent physical damage or permanent deformation of the container or cover.

(d) During treatment of a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, including aeration, thermal or other treatment, in a container, whenever it is necessary for the container to be open, the container shall be located within an enclosure with a closed-vent system that routes the organic hazardous air pollutants vapors vented from the container to a control device.

(1) Except as provided in paragraph (d)(4) of this section, the enclosure and all openings (e.g., doors, hatches) shall be maintained in accordance with the requirements specified in § 63.148 of this subpart.

(2) The control device shall be designed, operated, and inspected in accordance with § 63.139 of this subpart.

(3) Except as provided in paragraph (d)(4) of this section, the closed-vent system shall be inspected in accordance with § 63.148 of this subpart.

(4) For any enclosure and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.148 of this subpart.

(e) Each container shall be inspected initially, and semi-annually thereafter, for improper work practices and control equipment failures in accordance with § 63.143 of this subpart.

(1) For containers, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use.

(2) For containers, control equipment failure includes, but is not limited to, any time a cover or door has a gap or crack, or is broken.

(f) Except as provided in § 63.140 of this subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 15 calendar days after identification.

§ 63.136 Process wastewater provisions - individual drain systems.

(a) For each individual drain system that receives or manages a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (b), (c), and (d) or with paragraphs (e), (f), and (g) of this section.

(b) If the owner or operator elects to comply with this paragraph, the owner or operator shall operate and maintain on each opening in the individual drain system a cover and if vented, route the vapors to a process or through a closed vent system to a control device. The owner or operator shall comply with the requirements of paragraphs (b)(1) through (b)(5) of this section.

(1) The cover and all openings shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the cover and all openings (e.g., access hatches, sampling ports) shall be maintained in accordance with the requirements specified in § 63.148 of this subpart.

(ii) The cover and all openings shall be maintained in a closed position at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream is in the drain system except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

(2) The control device shall be designed, operated, and inspected in accordance with § 63.139 of this subpart.

(3) Except as provided in paragraph (b)(4) of this section, the closed-vent system shall be inspected in accordance with § 63.148 of this subpart.

(4) For any cover and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.148 of this subpart.

(5) The individual drain system shall be designed and operated to segregate the vapors within the system from other drain systems and the atmosphere.

(c) Each individual drain system shall be inspected initially, and semi-annually thereafter, for improper work practices and control equipment failures, in accordance with the inspection requirements specified in table 11 of this subpart.

(1) For individual drain systems, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use for sampling or removal, or for equipment inspection, maintenance, or repair.

(2) For individual drain systems, control equipment failure includes, but is not limited to, any time a joint, lid, cover, or door has a gap or crack, or is broken.

(d) Except as provided in §63.140 of this subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 15 calendar days after identification.

(e) If the owner or operator elects to comply with this paragraph, the owner or operator shall comply with the requirements in paragraphs (e)(1) through (e)(3) of this section:

(1) Each drain shall be equipped with water seal controls or a tightly fitting cap or plug. The owner or operator shall comply with paragraphs (e)(1)(i) and (e)(1)(ii) of this section.

(i) For each drain equipped with a water seal, the owner or operator shall ensure that the water seal is maintained. For example, a flow-monitoring device indicating positive flow from a main to a branch water line supplying a trap or water being continuously dripped into the trap by a hose could be used to verify flow of water to the trap. Visual observation is also an acceptable alternative.

(ii) If a water seal is used on a drain receiving a Group 1 wastewater, the owner or operator shall either extend the pipe discharging the wastewater below the liquid surface in the water seal of the receiving drain, or install a flexible shield (or other enclosure which restricts wind motion across the open area between the pipe and the drain) that encloses the space between the pipe discharging the wastewater to the drain receiving the wastewater. (Water seals which are used on hubs receiving Group 2 wastewater for the purpose of eliminating cross ventilation to drains carrying Group 1 wastewater are not required to have a flexible cap or extended subsurface discharging pipe.)

(2) Each junction box shall be equipped with a tightly fitting solid cover (i.e., no visible gaps, cracks, or holes) which shall be kept in place at all times except during inspection and maintenance. If the junction box is vented, the owner or operator shall comply with the requirements in paragraph (e)(2)(i) or (e)(2)(ii) of this section.

(i) The junction box shall be vented to a process or through a closed vent system to a control device. The closed vent system shall be inspected in accordance with the requirements of §63.148 and the control device shall be designed, operated, and inspected in accordance with the requirements of §63.139.

(ii) If the junction box is filled and emptied by gravity flow (i.e., there is no pump) or is operated with no more than slight fluctuations in the liquid level, the owner or operator may vent the junction box to the atmosphere provided that the junction box complies with the requirements in paragraphs (e)(2)(ii)(A) and (e)(2)(ii)(B) of this section.

(A) The vent pipe shall be at least 90 centimeters in length and no greater than 10.2 centimeters in nominal inside diameter.

(B) Water seals shall be installed and maintained at the wastewater entrance(s) to or exit from the junction box restricting ventilation in the individual drain system and between components in the individual drain system. The owner or operator shall demonstrate (e.g., by visual inspection or smoke test) upon request by the Administrator that the junction box water seal is properly designed and restricts ventilation.

(3) Each sewer line shall not be open to the atmosphere and shall be covered or enclosed in a manner so as to have no visible gaps or cracks in joints, seals, or other emission interfaces.

(f) Equipment used to comply with paragraphs (e)(1), (e)(2), or (e)(3) of this section shall be inspected as follows:

(1) Each drain using a tightly fitting cap or plug shall be visually inspected initially, and semi-annually thereafter, to ensure caps or plugs are in place and that there are no gaps, cracks, or other holes in the cap or plug.

(2) Each junction box shall be visually inspected initially, and semi-annually thereafter, to ensure that there are no gaps, cracks, or other holes in the cover.

(3) The unburied portion of each sewer line shall be visually inspected initially, and semi-annually thereafter, for indication of cracks or gaps that could result in air emissions.

(g) Except as provided in §63.140 of this subpart, when a gap, hole, or crack is identified in a joint or cover, first efforts at repair shall be made no later than 5 calendar days after identification, and repair shall be completed within 15 calendar days after identification.

§63.137 Process wastewater provisions - oil-water separators.

(a) For each oil-water separator that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (c) and (d) of this section and shall operate and maintain one of the following:

(1) A fixed roof and a closed vent system that routes the organic hazardous air pollutants vapors vented from the oil-water separator to a control device. The fixed roof, closed-vent system, and control device shall meet the requirements specified in paragraph (b) of this section;

(2) A floating roof meeting the requirements in 40 CFR part 60, subpart QQQ §§60.693–2(a)(1)(i), (a)(1)(ii), (a)(2), (a)(3), and (a)(4). For portions of the oil-water separator where it is infeasible to construct and operate a floating roof, such as over the weir mechanism, the owner or operator shall operate and maintain a fixed roof, closed vent system, and control device that meet the requirements specified in paragraph (b) of this section.

(3) An equivalent means of emission limitation. Determination of equivalence to the reduction in emissions achieved by the requirements of paragraphs (a)(1) and (a)(2) of this section will be evaluated according to §63.102(b) of subpart F of this part. The determination will be based on the application to the Administrator which shall include the information specified in either paragraph (a)(3)(i) or (a)(3)(ii) of this section.

(i) Actual emissions tests that use full-size or scale-model oil-water separators that accurately collect and measure all organic hazardous air pollutants emissions from a given control technique, and that accurately simulate wind and account for other emission variables such as temperature and barometric pressure, or

(ii) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(b) If the owner or operator elects to comply with the requirements of paragraphs (a)(1) or (a)(2) of this section, the fixed roof shall meet the requirements of paragraph (b)(1) of this section, the control device shall meet the requirements of paragraph (b)(2) of this section, and the closed-vent system shall meet the requirements of paragraph (b)(3) of this section.

(1) The fixed-roof shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the fixed roof and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in §63.148 of this subpart.

(ii) Each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that the oil-water separator contains a Group 1 wastewater stream or

residual removed from a Group 1 wastewater stream except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

(2) The control device shall be designed, operated, and inspected in accordance with the requirements of §63.139 of this subpart.

(3) Except as provided in paragraph (b)(4) of this section, the closed-vent system shall be inspected in accordance with the requirements of §63.148 of this subpart.

(4) For any fixed roof and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements of §63.148 of this subpart.

(c) If the owner or operator elects to comply with the requirements of paragraph (a)(2) of this section, seal gaps shall be measured according to the procedures specified in 40 CFR part 60, subpart QQQ §60.696(d)(1) and the schedule specified in paragraphs (c)(1) and (c)(2) of this section.

(1) Measurement of primary seal gaps shall be performed within 60 calendar days after installation of the floating roof and introduction of a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream and once every 5 years thereafter.

(2) Measurement of secondary seal gaps shall be performed within 60 calendar days after installation of the floating roof and introduction of a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream and once every year thereafter.

(d) Each oil-water separator shall be inspected initially, and semi-annually thereafter, for improper work practices in accordance with §63.143 of this subpart. For oil-water separators, improper work practice includes, but is not limited to, leaving open or ungasketed any access door or other opening when such door or opening is not in use.

(e) Each oil-water separator shall be inspected for control equipment failures as defined in paragraph (e)(1) of this section according to the schedule specified in paragraphs (e)(2) and (e)(3) of this section.

(1) For oil-water separators, control equipment failure includes, but is not limited to, the conditions specified in paragraphs (e)(1)(i) through (e)(1)(vii) of this section.

(i) The floating roof is not resting on either the surface of the liquid or on the leg supports.

(ii) There is stored liquid on the floating roof.

(iii) A rim seal is detached from the floating roof.

(iv) There are holes, tears, or other open spaces in the rim seal or seal fabric of the floating roof.

(v) There are gaps between the primary seal and the separator wall that exceed 67 square centimeters per meter of separator wall perimeter or the width of any portion of any gap between the primary seal and the separator wall exceeds 3.8 centimeters.

(vi) There are gaps between the secondary seal and the separator wall that exceed 6.7 square centimeters per meter of separator wall perimeter or the width of any portion of any gap between the secondary seal and the separator wall exceeds 1.3 centimeters.

(vii) A gasket, joint, lid, cover, or door has a gap or crack, or is broken.

(2) The owner or operator shall inspect for the control equipment failures in paragraphs (e)(1)(i) through (e)(1)(vi) of this section according to the schedule specified in paragraph (c) of this section.

(3) The owner or operator shall inspect for control equipment failures in paragraph (e)(1)(vii) of this section initially, and semi-annually thereafter.

(f) Except as provided in § 63.140 of this subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification.

§ 63.138 Process wastewater provisions - Performance standards for treatment processes managing Group 1 wastewater streams and/or residuals removed from Group 1 wastewater streams.

(a) *General requirements*. This section specifies the performance standards for treating Group 1 wastewater streams. The owner or operator shall comply with the requirements as specified in paragraphs (a)(1) through (a)(6) of this section. Where multiple compliance options are provided, the options may be used in combination for different wastewater streams and/or for different compounds (e.g., Table 8 versus Table 9 compounds) in the same wastewater streams, except where otherwise provided in this section. Once a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream has been treated in accordance with this subpart, it is no longer subject to the requirements of this subpart.

(1) *Existing source*. If the wastewater stream, at an existing source, is Group 1 for Table 9 compounds, comply with § 63.138(b).

(2) *New source*. If the wastewater stream, at a new source, is Group 1 for Table 8 compounds, comply with § 63.138(c). If the wastewater stream, at a new source, is Group 1 for Table 9 compounds, comply with § 63.138(b). If the wastewater stream, at a new source, is Group 1 for Table 8 and Table 9 compounds, comply with both § 63.138(b) and § 63.138(c).

Note to paragraph (a)(2): The requirements for Table 8 and/or Table 9 compounds are similar and often identical.

(3) *Biological treatment processes*. Biological treatment processes in compliance with this section may be either open or closed biological treatment processes as defined in § 63.111. An open biological treatment process in compliance with this section need not be covered and vented to a control device as required in § 63.133 through § 63.137 of this subpart. An open or a closed biological treatment process in compliance with this section and using § 63.145(f) or § 63.145(g) of this subpart to demonstrate compliance is not subject to the requirements of § 63.133 through § 63.137 of this subpart. A closed biological treatment process in compliance with this section and using § 63.145(e) of this subpart to demonstrate compliance shall comply with the requirements of § 63.133 through § 63.137 of this subpart. Waste management units upstream of an open or closed biological treatment process shall meet the requirements of § 63.133 through § 63.137 of this subpart, as applicable.

(4) *Performance tests and design evaluations*. If design steam stripper option (§ 63.138(d)) or Resource Conservation and Recovery Act (RCRA) option (§ 63.138(h)) is selected to comply with this section, neither a design evaluation nor a performance test is required. For any other non-biological treatment process, and for closed biological treatment processes as defined in § 63.111 of this subpart, the owner or operator shall conduct either a design evaluation as specified in § 63.138(j), or a performance test as specified in § 63.145, of this subpart. For each open biological process as defined in § 63.111 of this subpart, the owner or operator shall conduct a performance test as specified in § 63.145 of this subpart.

Note to paragraph (a)(4): Some open biological treatment processes may not require a performance test. Refer to § 63.145(h) and table 36 of this subpart to determine whether the biological treatment process meets the criteria that exempt the owner or operator from conducting a performance test.

(5) *Control device requirements.* When gases are vented from the treatment process, the owner or operator shall comply with the applicable control device requirements specified in § 63.139 and § 63.145 (i) and (j), and the applicable leak inspection provisions specified in § 63.148, of this subpart. This requirement does not apply to any open biological treatment process that meets the mass removal requirements. Vents from anaerobic biological treatment processes may be routed through hard-piping to a fuel gas system.

(6) *Residuals: general*. When residuals result from treating Group 1 wastewater streams, the owner or operator shall comply with the requirements for residuals specified in § 63.138(k) of this subpart.

(7) Treatment using a series of treatment processes. In all cases where the wastewater provisions in this subpart allow or require the use of a treatment process or control device to comply with emissions

limitations, the owner or operator may use multiple treatment processes or control devices, respectively. For combinations of treatment processes where the wastewater stream is conveyed by hard-piping, the owner or operator shall comply with either the requirements of paragraph (a)(7)(i) or (a)(7)(ii) of this section. For combinations of treatment processes where the wastewater stream is not conveyed by hard-piping, the owner or operator shall comply with the requirements of paragraph (a)(7)(ii) of this section. For combinations of control devices, the owner or operator shall comply with the requirements of paragraph (a)(7)(i) of this section.

(i) (A) For combinations of treatment processes, the wastewater stream shall be conveyed by hard-piping between the treatment processes. For combinations of control devices, the vented gas stream shall be conveyed by hard-piping between the control devices.

(B) For combinations of treatment processes, each treatment process shall meet the applicable requirements of § 63.133 through § 63.137 of this subpart except as provided in paragraph (a)(3) of this section.

(C) The owner or operator shall identify, and keep a record of, the combination of treatment processes or of control devices, including identification of the first and last treatment process or control device. The owner or operator shall include this information as part of the treatment process description reported in the Notification of Compliance Status.

(D) The performance test or design evaluation shall determine compliance across the combination of treatment processes or control devices. If a performance test is conducted, the ‘‘inlet’’ shall be the point at which the wastewater stream or residual enters the first treatment process, or the vented gas stream enters the first control device. The ‘‘outlet’’ shall be the point at which the treated wastewater stream exits the last treatment process, or the vented gas stream exits the last control device.

(ii) (A) For combinations of treatment processes, each treatment process shall meet the applicable requirements of § 63.133 through § 63.137 of this subpart except as provided in paragraph (a)(3) of this section.

(B) The owner or operator shall identify, and keep a record of, the combination of treatment processes, including identification of the first and last treatment process. The owner or operator shall include this information as part of the treatment process description reported in the Notification of Compliance Status.

(C) The owner or operator shall determine the mass removed or destroyed by each treatment process. The performance test or design evaluation shall determine compliance for the combination of treatment processes by adding together the mass removed or destroyed by each treatment process.

(b) Control options: Group 1 wastewater streams for Table 9 compounds. The owner or operator shall comply with either paragraph (b)(1) or (b)(2) of this section for the control of Table 9 compounds at new or existing sources.

(1) *50 ppmw concentration option.* The owner or operator shall comply with paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(i) Reduce, by removal or destruction, the total concentration of Table 9 compounds to a level less than 50 parts per million by weight as determined by the procedures specified in § 63.145(b) of this subpart.

(ii) This option shall not be used when the treatment process is a biological treatment process. This option shall not be used when the wastewater stream is designated as a Group 1 wastewater stream as specified in § 63.132(e). Dilution shall not be used to achieve compliance with this option.

(2) *Other compliance options*. Comply with the requirements specified in any one of paragraphs (d), (e), (f), (g), (h), or (i) of this section.

(c) Control options: Group 1 wastewater streams for Table 8 compounds. The owner or operator shall comply with either paragraph (c)(1) or (c)(2) of this section for the control of Table 8 compounds at new sources.

(1) *10 ppmw concentration option*. The owner or operator shall comply with paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

(i) Reduce, by removal or destruction, the concentration of the individual Table 8 compounds to a level less than 10 parts per million by weight as determined in the procedures specified in § 63.145(b) of this subpart.

(ii) This option shall not be used when the treatment process is a biological treatment process. This option shall not be used when the wastewater stream is designated as a Group 1 wastewater stream as specified in § 63.132(e). Dilution shall not be used to achieve compliance with this option.

(2) Other compliance options. Comply with the requirements specified in any one of paragraphs (d), (e), (f), (g), (h), or (i) of this section.

(d) Design steam stripper option. The owner or operator shall operate and maintain a steam stripper that meets the requirements of paragraphs (d)(1) through (d)(6) of this section.

(1) Minimum active column height of 5 meters,

(2) Countercurrent flow configuration with a minimum of 10 actual trays,

(3) Minimum steam flow rate of 0.04 kilograms of steam per liter of wastewater feed within the column,

(4) Minimum wastewater feed temperature to the steam stripper of 95 °C, or minimum column operating temperature of 95 °C,

(5) Maximum liquid loading of 67,100 liters per hour per square meter, and

(6) Operate at nominal atmospheric pressure.

(e) Percent mass removal/destruction option. The owner or operator of a new or existing source shall comply with paragraph (e)(1) or (e)(2) of this section for control of Table 8 and/or Table 9 compounds for Group 1 wastewater streams. This option shall not be used for biological treatment processes.

(1) *Reduce mass flow rate of Table 8 and/or Table 9 compounds by 99 percent*. For wastewater streams that are Group 1, the owner or operator shall reduce, by removal or destruction, the mass flow rate of Table 8 and/or Table 9 compounds by 99 percent or more. The removal/destruction efficiency shall be determined by the procedures specified in § 63.145(c), for noncombustion processes, or § 63.145(d), for combustion processes.

(2) *Reduce mass flow rate of Table 8 and/or Table 9 compounds by Fr value*. For wastewater streams that are Group 1 for Table 8 and/or Table 9 compounds, the owner or operator shall reduce, by removal or destruction, the mass flow rate by at least the fraction removal (Fr) values specified in Table 9 of this subpart. (The Fr values for Table 8 compounds are all 0.99.) The removal/destruction efficiency shall be determined by the procedures specified in § 63.145(c), for noncombustion treatment processes, or § 63.145(d), for combustion treatment processes.

(f) Required mass removal (RMR) option. The owner or operator shall achieve the required mass removal (RMR) of Table 8 compounds at a new source for a wastewater stream that is Group 1 for Table 8 compounds and/or of Table 9 compounds at a new or existing source for a wastewater stream that is Group 1 for Table 9 compounds. For nonbiological treatment processes compliance shall be determined using the procedures specified in § 63.145(e) of this subpart. For aerobic biological treatment processes compliance shall be determined using the procedures specified in § 63.145 (e) or (f) of this subpart. For closed anaerobic biological treatment processes compliance shall be determined using the procedures specified in § 63.145(e) of this subpart. For open biological treatment processes compliance shall be determined using the procedures specified in § 63.145(f) of this subpart.

(g) *95-percent RMR option, for biological treatment processes*. The owner or operator of a new or existing source using biological treatment for at least one wastewater stream that is Group 1 for Table 9 compounds shall achieve a RMR of at least 95 percent for all Table 9 compounds. The owner or operator of a new source

using biological treatment for at least one wastewater stream that is Group 1 for Table 8 compounds shall achieve a RMR of at least 95 percent for all Table 8 compounds. All Group 1 and Group 2 wastewater streams entering a biological treatment unit that are from chemical manufacturing process units subject to subpart F shall be included in the demonstration of the 95-percent mass removal. The owner or operator shall comply with paragraphs (g)(1) through (g)(4) of this section.

(1) Except as provided in paragraph (g)(4) of this section, the owner or operator shall ensure that all Group 1 and Group 2 wastewater streams from chemical manufacturing process units subject to this rule entering a biological treatment unit are treated to destroy at least 95-percent total mass of all Table 8 and/or Table 9 compounds.

(2) For open biological treatment processes compliance shall be determined using the procedures specified in § 63.145(g) of this subpart. For closed aerobic biological treatment processes compliance shall be determined using the procedures specified in § 63.145 (e) or (g) of this subpart. For closed anaerobic biological treatment processes compliance shall be determined using the procedures specified in § 63.145(e) of this subpart.

(3) For each treatment process or waste management unit that receives, manages, or treats wastewater streams subject to this paragraph, from the point of determination of each Group 1 or Group 2 wastewater stream to the biological treatment unit, the owner or operator shall comply with §§ 63.133 through § 63.137 of this subpart for control of air emissions. When complying with this paragraph, the term Group 1, whether used alone or in combination with other terms, in § 63.133 through § 63.137 of this subpart shall mean both Group 1 and Group 2.

(4) If a wastewater stream is in compliance with the requirements in paragraph (b)(1), (c)(1), (d), (e), (f), or (h) of this section before entering the biological treatment unit, the hazardous air pollutants mass of that wastewater is not required to be included in the total mass flow rate entering the biological treatment unit for the purpose of demonstrating compliance.

(h) *Treatment in a RCRA unit option*. The owner or operator shall treat the wastewater stream or residual in a unit identified in, and complying with, paragraph (h)(1), (h)(2), or (h)(3) of this section. These units are exempt from the design evaluation or performance tests requirements specified in § 63.138(a)(3) and § 63.138(j) of this subpart, and from the monitoring requirements specified in § 63.132(a)(2)(iii) and § 63.132(b)(3)(iii) of this subpart, as well as recordkeeping and reporting requirements associated with monitoring and performance tests.

(1) The wastewater stream or residual is discharged to a hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O;

(2) The wastewater stream or residual is discharged to a process heater or boiler burning hazardous waste for which the owner or operator:

(i) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H; or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

(3) The wastewater stream or residual is discharged to an underground injection well for which the owner or operator has been issued a final permit under 40 CFR part 270 or 40 CFR part 144 and complies with the requirements of 40 CFR part 122. The owner or operator shall comply with all applicable requirements of this subpart prior to the point where the wastewater enters the underground portion of the injection well.

(i) *One megagram total source mass flow rate option*. A wastewater stream is exempt from the requirements of paragraphs (b) and (c) of this section if the owner or operator elects to comply with either paragraph (i)(1) or (2) of this section, and complies with paragraph (i)(3) of this section.

(1) *All Group 1 wastewater streams at the source.* The owner or operator shall demonstrate that the total source mass flow rate for Table 8 and/or Table 9 compounds is less than 1 megagram per year using the procedures in paragraphs (i)(1)(i) and (i)(1)(ii) of this section. The owner or operator shall include all Group 1 wastewater streams at the source in the total source mass flow rate. The total source mass flow rate shall be based on the mass as calculated before the wastewater stream is treated. The owner or operator who meets the requirements of this paragraph (i)(1) is exempt from the requirements of §§ 63.133 through 63.137.

(i) Calculate the annual average mass flow rate for each Group 1 wastewater stream by multiplying the annual average flow rate of the wastewater stream, as determined by procedures specified in § 63.144(c), times the total annual average concentration of Table 8 and/or Table 9 compounds, as determined by procedures specified in § 63.144(b) of this subpart. (The mass flow rate of compounds in a wastewater stream that is Group 1 for both Table 8 and Table 9 compounds should be included in the annual average mass flow rate only once.)

(ii) Calculate the total source mass flow rate from all Group 1 wastewater streams by adding together the annual average mass flow rate calculated for each Group 1 wastewater stream.

(2) *Untreated and partially treated Group 1 wastewater streams*. The owner or operator shall demonstrate that the total source mass flow rate for untreated Group 1 wastewater streams and Group 1 wastewater streams treated to levels less stringent than required in paragraph (b) or (c) of this section is less than 1 megagram per year using the procedures in paragraphs (i)(2)(i) and (i)(2)(ii) of this section. The owner or operator shall manage these wastewater streams in accordance with paragraph (i)(2)(iii) of this section, and shall comply with paragraph (i)(3) of this section.

(i) Calculate the annual average mass flow rate in each wastewater stream by multiplying the annual average flow rate of the wastewater stream, as determined by procedures specified in § 63.144(c), times the total annual average concentration of Table 8 and/or Table 9 compounds, as determined by procedures specified in § 63.144(b). (The mass flow rate of compounds in a wastewater stream that are Group 1 for both Table 8 and Table 9 compounds should be included in the annual average mass flow rate only once.) When determining the total source mass flow rate for the purposes of paragraph (i)(2)(i)(B) of this section, the concentration and flow rate shall be determined at the location specified in paragraph (i)(2)(i)(B) of this section and not at the location specified in §63.144 (b) and (c).

(A) For each untreated Group 1 wastewater stream, the annual average flow rate and the total annual average concentration shall be determined for that stream's point of determination.

(B) For each Group 1 wastewater stream that is treated to levels less stringent than those required by paragraph (b) or (c) of this section, the annual average flow rate and total annual average concentration shall be determined at the discharge from the treatment process or series of treatment processes.

(C) The annual average mass flow rate for Group 1 wastewater streams treated to the levels required by paragraph (b) or (c) of this section is not included in the calculation of the total source mass flow rate.

(ii) The total source mass flow rate shall be calculated by summing the annual average mass flow rates from all Group 1 wastewater streams, except those excluded by paragraph (i)(2)(i)(C) of this section.

(iii) The owner or operator of each waste management unit that receives, manages, or treats a partially treated wastewater stream prior to or during treatment shall comply with the requirements of §§ 63.133 through 63.137 of this subpart, as applicable. For a partially treated wastewater stream that is stored, conveyed, treated, or managed in a waste management unit meeting the requirements of §§ 63.133 through 63.137, the owner or operator shall follow the procedures in paragraph (i)(2)(i)(B) of this section to calculate mass flow rate. A wastewater stream, either untreated or partially treated, where the mass flow rate has been calculated following the procedures in paragraph (i)(2)(i)(A) of this section, is exempt from the requirements of §§ 63.133 through 63.137.

(3) Wastewater streams included in this option shall be identified in the Notification of Compliance Status required by §63.152(b).

(j) *Design evaluations or performance tests for treatment processes*. Except as provided in paragraph (j)(3) or (h) of this section, the owner or operator shall demonstrate by the procedures in either paragraph (j)(1) or (j)(2) of this section that each nonbiological treatment process used to comply with paragraphs (b)(1), (c)(1), (e), and/or (f) of this section achieves the conditions specified for compliance. The owner or operator shall demonstrate by the procedures in either paragraph (j)(1) or (j)(2) of this section that each closed biological treatment process used to comply with paragraphs (f) or (g) of this section achieves the conditions specified for compliance. If an open biological treatment unit is used to comply with paragraph (f) or (g) of this section, the owner or operator shall comply with § 63.145(f) or § 63.145(g), respectively, of this subpart. Some biological treatment processes may not require a performance test. Refer to § 63.145(h) and table 36 of this subpart to determine whether the open biological treatment process meets the criteria that exempt the owner or operator from conducting a performance test.

(1) A design evaluation and supporting documentation that addresses the operating characteristics of the treatment process and that is based on operation at a representative wastewater stream flow rate and a concentration under which it would be most difficult to demonstrate compliance. For closed biological treatment processes, the actual mass removal shall be determined by a mass balance over the unit. The mass flow rate of Table 8 or Table 9 compounds exiting the treatment process shall be the sum of the mass flow rate of Table 8 or Table 9 compounds in the wastewater stream exiting the biological treatment process and the mass flow rate of the vented gas stream exiting the control device. The mass flow rate entering the treatment process minus the mass flow rate exiting the process determines the actual mass removal.

(2) Performance tests conducted using test methods and procedures that meet the applicable requirements specified in § 63.145 of this subpart.

(3) The provisions of paragraphs (j)(1) and (j)(2) of this section do not apply to design stream strippers which meet the requirements of paragraph (d) of this section.

(k) Residuals. For each residual removed from a Group 1 wastewater stream, the owner or operator shall control for air emissions by complying with §§ 63.133–137 of this subpart and by complying with one of the provisions in paragraphs (k)(1) through (k)(4) of this section.

(1) Recycle the residual to a production process or sell the residual for the purpose of recycling. Once a residual is returned to a production process, the residual is no longer subject to this section.

(2) Return the residual to the treatment process.

(3) Treat the residual to destroy the total combined mass flow rate of Table 8 and/or Table 9 compounds by 99 percent or more, as determined by the procedures specified in § 63.145(c) or (d) of this subpart.

(4) Comply with the requirements for RCRA treatment options specified in § 63.138(h) of this subpart.

§ 63.139 Process wastewater provisions - control devices.

(a) For each control device or combination of control devices used to comply with the provisions in §§ 63.133 through 63.138 of this subpart, the owner or operator shall operate and maintain the control device or combination of control devices in accordance with the requirements of paragraphs (b) through (f) of this section.

(b) Whenever organic hazardous air pollutants emissions are vented to a control device which is used to comply with the provisions of this subpart, such control device shall be operating.

(c) The control device shall be designed and operated in accordance with paragraph (c)(1), (c)(2), (c)(3), (c)(4), or (c)(5) of this section.

(1) An enclosed combustion device (including but not limited to a vapor incinerator, boiler, or process heater) shall meet the conditions in paragraph (c)(1)(i), (c)(1)(ii), or (c)(1)(iii) of this section, alone or in combination with other control devices. If a boiler or process heater is used as the control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.

(i) Reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions vented to the control device by 95 percent by weight or greater;

(ii) Achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume on a dry basis corrected to 3 percent oxygen. The owner or operator shall use either Method 18 of 40 CFR part 60, appendix A, or any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part; or

(iii) Provide a minimum residence time of 0.5 seconds at a minimum temperature of 760° C.

(2) A vapor recovery system (including but not limited to a carbon adsorption system or condenser), alone or in combination with other control devices, shall reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions vented to the control device of 95 percent by weight or greater or achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume, whichever is less stringent. The 20 parts per million by volume performance standard is not applicable to compliance with the provisions of § 63.134 or § 63.135 of this subpart.

(3) A flare shall comply with the requirements of § 63.11(b) of subpart A of this part.

(4) A scrubber, alone or in combination with other control devices, shall reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions in such a manner that 95 weight-percent is either removed, or destroyed by chemical reaction with the scrubbing liquid or achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume, whichever is less stringent. The 20 parts per million by volume performance standard is not applicable to compliance with the provisions of § 63.134 or § 63.135 of this subpart.

(5) Any other control device used shall, alone or in combination with other control devices, reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions vented to the control device by 95 percent by weight or greater or achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume, whichever is less stringent. The 20 parts per million by volume performance standard is not applicable to compliance with the provisions of § 63.134 or § 63.135 of this subpart.

(d) Except as provided in paragraph (d)(4) of this section, an owner or operator shall demonstrate that each control device or combination of control devices achieves the appropriate conditions specified in paragraph (c) of this section by using one or more of the methods specified in paragraphs (d)(1), (d)(2), or (d)(3) of this section.

(1) Performance tests conducted using the test methods and procedures specified in § 63.145(i) of this subpart for control devices other than flares; or

(2) A design evaluation that addresses the vent stream characteristics and control device operating parameters specified in paragraphs (d)(2)(i) through (d)(2)(vii) of this section.

(i) For a thermal vapor incinerator, the design evaluation shall consider the vent stream composition, constituent concentrations, and flow rate and shall establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

(ii) For a catalytic vapor incinerator, the design evaluation shall consider the vent stream composition, constituent concentrations, and flow rate and shall establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

(iii) For a boiler or process heater, the design evaluation shall consider the vent stream composition, constituent concentrations, and flow rate; shall establish the design minimum and average flame zone temperatures and combustion zone residence time; and shall describe the method and location where the vent stream is introduced into the flame zone.

(iv) For a condenser, the design evaluation shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature and shall establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet.

(v) For a carbon adsorption system that regenerates the carbon bed directly on-site in the control device such as a fixed-bed adsorber, the design evaluation shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration level, adsorption cycle time, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total regeneration stream mass or volumetric flow over the period of each complete carbon bed regeneration cycle, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon.

(vi) For a carbon adsorption system that does not regenerate the carbon bed directly on-site in the control device such as a carbon canister, the design evaluation shall consider the vent stream composition, constituent concentrations, mass or volumetric flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

(vii) For a scrubber, the design evaluation shall consider the vent stream composition; constituent concentrations; liquid-to-vapor ratio; scrubbing liquid flow rate and concentration; temperature; and the reaction kinetics of the constituents with the scrubbing liquid. The design evaluation shall establish the design exhaust vent stream organic compound concentration level and will include the additional information in paragraphs (d)(2)(vii)(A) and (d)(2)(vii)(B) of this section for trays and a packed column scrubber.

(A) Type and total number of theoretical and actual trays;

(B) Type and total surface area of packing for entire column, and for individual packed sections if column contains more than one packed section.

(3) For flares, the compliance determination specified in § 63.11(b) of subpart A of this part and § 63.145(j) of this subpart.

(4) An owner or operator using any control device specified in paragraphs (d)(4)(i) through (d)(4)(iv) of this section is exempt from the requirements in paragraphs (d)(1) through (d)(3) of this section and from the requirements in § 63.6(f) of subpart A of this part, and from the requirements of paragraph (e) of this section.

(i) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

(ii) A boiler or process heater into which the emission stream is introduced with the primary fuel.

(iii) A boiler or process heater burning hazardous waste for which the owner or operator:

(A) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H, or

(B) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

(iv) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

(e) The owner or operator of a control device that is used to comply with the provisions of this section shall monitor the control device in accordance with § 63.143 of this subpart.

(f) Except as provided in § 63.140 of this subpart, if gaps, cracks, tears, or holes are observed in ductwork, piping, or connections to covers and control devices during an inspection, a first effort to repair shall be made as soon as practical but no later than 5 calendar days after identification. Repair shall be completed no later than 15 calendar days after identification or discovery of the defect.

§ 63.140 Process wastewater provisions - delay of repair.

(a) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified, is allowed if the repair is technically infeasible without a shutdown, as defined in § 63.101 of subpart F of this part, or if the owner or operator determines that emissions of purged material from immediate repair would be greater than the emissions likely to result from delay of repair. Repair of this equipment shall occur by the end of the next shutdown.

(b) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified, is allowed if the equipment is emptied or is no longer used to treat or manage Group 1 wastewater streams or residuals removed from Group 1 wastewater streams.

(c) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified is also allowed if additional time is necessary due to the unavailability of parts beyond the control of the owner or operator. Repair shall be completed as soon as practical. The owner or operator who uses this provision shall comply with the requirements of § 63.147(b)(7) to document the reasons that the delay of repair was necessary.

§ 63.141 Reserved.

§ 63.142 Reserved.

§ 63.143 Process wastewater provisions - inspections and monitoring of operations.

(a) For each wastewater tank, surface impoundment, container, individual drain system, and oil-water separator that receives, manages, or treats a Group 1 wastewater stream, a residual removed from a Group 1 wastewater stream, a recycled Group 1 wastewater stream, or a recycled residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the inspection requirements specified in table 11 of this subpart.

(b) For each design steam stripper and biological treatment unit used to comply with § 63.138 of this subpart, the owner or operator shall comply with the monitoring requirements specified in table 12 of this subpart.

(c) If the owner or operator elects to comply with Item 1 in table 12 of this subpart, the owner or operator shall request approval to monitor appropriate parameters that demonstrate proper operation of the biological treatment unit. The request shall be submitted according to the procedures specified in § 63.151(f) of this subpart, and shall include a description of planned reporting and recordkeeping procedures. The owner or operator shall include as part of the submittal the basis for the selected monitoring frequencies and the methods that will be used. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(d) If the owner or operator elects to comply with Item 3 in table 12 of this subpart, the owner or operator shall request approval to monitor appropriate parameters that demonstrate proper operation of the selected treatment process. The request shall be submitted according to the procedures specified in § 63.151(f) of this subpart, and shall include a description of planned reporting and recordkeeping procedures. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(e) Except as provided in paragraphs (e)(4) and (e)(5) of this section, for each control device used to comply with the requirements of §§ 63.133 through 63.139 of this subpart, the owner or operator shall comply with the requirements in § 63.139(d) of this subpart, and with the requirements specified in paragraph (e)(1), (e)(2), or (e)(3) of this section.

(1) The owner or operator shall comply with the monitoring requirements specified in table 13 of this subpart; or

(2) The owner or operator shall use an organic monitoring device installed at the outlet of the control device and equipped with a continuous recorder. Continuous recorder is defined in § 63.111 of this subpart; or

(3) The owner or operator shall request approval to monitor parameters other than those specified in paragraphs (e)(1) and (e)(2) of this section. The request shall be submitted according to the procedures specified in § 63.151(f) of this subpart, and shall include a description of planned reporting and recordkeeping procedures. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(4) For a boiler or process heater in which all vent streams are introduced with primary fuel, the owner or operator shall comply with the requirements in § 63.139(d) of this subpart but the owner or operator is exempt from the monitoring requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(5) For a boiler or process heater with a design heat input capacity of 44 megawatts or greater, the owner or operator shall comply with the requirements in § 63.139(d) of this subpart but the owner or operator is exempt from the monitoring requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(f) For each parameter monitored in accordance with paragraph (c), (d), or (e) of this section, the owner or operator shall establish a range that indicates proper operation of the treatment process or control device. In order to establish the range, the owner or operator shall comply with the requirements specified in §§ 63.146(b)(7)(ii)(A) and (b)(8)(ii) of this subpart.

(g) Monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

§ 63.144 Process wastewater provisions - test methods and procedures for determining applicability and Group 1/Group 2 determinations (determining which wastewater streams require control).

(a) *Procedures to determine applicability*. An owner or operator shall comply with paragraph (a)(1) or (a)(2) of this section for each wastewater stream to determine which wastewater streams require control for Table 8 and/or Table 9 compounds. The owner or operator may use a combination of the approaches in paragraphs (a)(1) and (a)(2) of this section for different wastewater streams generated at the source.

(1) Determine Group 1 or Group 2 status. Determine whether a wastewater stream is a Group 1 or Group 2 wastewater stream in accordance with paragraphs (b) and (c) of this section.

(2) Designate as Group 1. An owner or operator may designate as a Group 1 wastewater stream a single wastewater stream or a mixture of wastewater streams. The owner or operator is not required to determine the concentration or flow rate for each designated Group 1 wastewater stream for the purposes of this section.

(b) *Procedures to establish concentrations, when determining Group status under paragraph (a)(1) of this section.* An owner or operator who elects to comply with the requirements of paragraph (a)(1) of this section shall determine the annual average concentration for Table 8 and/or Table 9 compounds according to paragraph (b)(1) of this section for existing sources or paragraph (b)(2) of this section for new sources. The annual average concentration shall be a flow weighted average representative of actual or anticipated operation of the chemical manufacturing process unit generating the wastewater over a designated 12 month period. For flexible operation units, the owner or operator shall consider the anticipated production over the designated 12 month period and include all wastewater streams generated by the process equipment during this period. The owner/operator is not required to determine the concentration of Table 8 or Table 9 compounds that are not reasonably expected to be in the process.

(1) *Existing sources*. An owner or operator of an existing source who elects to comply with the requirements of paragraph (a)(1) of this section shall determine the flow weighted total annual average concentration for Table 9 compounds. For the purposes of this section, the term concentration, whether concentration is used alone or with other terms, may be adjusted by multiplying by the compound-specific fraction measured (Fm) factors listed in table 34 of this subpart unless determined by the methods in § 63.144(b)(5)(i)(A) and/or (B). When concentration is determined by Method 305 as specified in § 63.144(b)(5)(i)(B), concentration may be adjusted by dividing by the compound-specific Fm factors listed in table 34 of this subpart. When concentration is determined by Method 25D as specified in § 63.144(b)(5)(i)(A), concentration may not be adjusted by the compound-specific Fm factors listed in table 34 of this subpart. Compound-specific Fm factors may be used only when concentrations of individual compounds are determined or when only one compound is in the wastewater stream. Flow weighted total annual average concentration for Table 9 compounds means the total mass of Table 9 compounds occurring in the wastewater stream during the designated 12-month period divided by the total mass of the wastewater stream during the same designated 12-month period. The total annual average concentration shall be determined for each wastewater stream either at the point of determination, or downstream of the point of determination with adjustment for concentration changes made according to paragraph (b)(6) of this section. The procedures specified in paragraphs (b)(3), (b)(4), and (b)(5) of this section are considered acceptable procedures for determining the annual average concentration. They may be used in combination, and no one procedure shall take precedence over another.

(2) *New sources*. An owner or operator of a new source who elects to comply with the requirements of paragraph (a)(1) of this section shall determine both the flow weighted total annual average concentration for Table 9 compounds and the flow weighted annual average concentration for each Table 8 compound. For the purposes of this section, the term concentration, whether concentration is used alone or with other terms, may be adjusted by multiplying by the compound-specific Fm factors listed in table 34 of this subpart unless determined by the methods in § 63.144(b)(5)(i)(A) and/or (B). When concentration is determined by Method 305 as specified in § 63.144(b)(5)(i)(B), concentration may be adjusted by dividing by the compound-specific Fm factors listed in table 34 of this subpart. When concentration is determined by Method 25D as specified in § 63.144(b)(5)(i)(A), concentration may not be adjusted by the compound-specific Fm factors listed in table 34 of this subpart. Compound-specific fraction measured factors are compound specific and shall be used only when concentration of individual compounds are determined or when only one compound is in the wastewater stream. The flow weighted annual average concentration of each Table 8 compound means the mass of each Table 8 compound occurring in the wastewater stream during the designated 12-month period divided by the total mass of the wastewater stream during the same designated 12-month period. Flow weighted total annual average concentration for Table 9 compounds means the total mass of Table 9 compounds occurring in the wastewater stream during the designated 12-month period divided by the total mass of the wastewater stream during the same designated 12-month period. The annual average concentration shall be determined for each wastewater stream either at the point of determination, or downstream of the point of determination with adjustment for concentration changes made according to paragraph (b)(6) of this section. Procedures specified in paragraphs (b)(3), (b)(4), and (b)(5) of this section

are considered acceptable procedures for determining the annual average concentration. They may be used in combination, and no one procedure shall take precedence over another.

(3) *Knowledge of the wastewater*. Where knowledge is used to determine the annual average concentration, the owner or operator shall provide sufficient information to document the annual average concentration for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average concentration is not required for Group 1 streams. Examples of acceptable documentation include material balances, records of chemical purchases, process stoichiometry, or previous test results. If test data are used, the owner or operator shall provide documentation describing the testing protocol and the means by which any losses of volatile compounds during sampling, and the bias and accuracy of the analytical method, were accounted for in the determination.

(4) *Bench-scale or pilot-scale test data*. Where bench-scale or pilot-scale test data are used to determine the annual average concentration, the owner or operator shall provide sufficient information to document that the data are representative of the actual annual average concentration, or are reliably indicative of another relevant characteristic of the wastewater stream that could be used to predict the annual average concentration. For concentration data, the owner or operator shall also provide documentation describing the testing protocol, and the means by which any losses of volatile compounds during sampling, and the bias and accuracy of the analytical method, were accounted for in the determination of annual average concentration.

(5) *Test data from sampling at the point of determination or at a location downstream of the point of determination.* Where an owner or operator elects to comply with paragraph (a)(1) of this section by measuring the concentration for the relevant Table 8 or Table 9 compounds, the owner or operator shall comply with the requirements of this paragraph. For each wastewater stream, measurements shall be made either at the point of determination, or downstream of the point of determination with adjustment for concentration changes made according to paragraph (b)(6) of this section. A minimum of three samples from each wastewater stream shall be taken. Samples may be grab samples or composite samples.

(i) *Methods.* The owner or operator shall use any of the methods specified in paragraphs (b)(5)(i)(A) through (b)(5)(i)(F) of this section.

(A) *Method 25D*. Use procedures specified in Method 25D of 40 CFR part 60, appendix A.

(B) *Method 305*. Use procedures specified in Method 305 of 40 CFR part 63, appendix A.

(C) *Methods 624 and 625*. Use procedures specified in Methods 624 and 625 of 40 CFR part 136, appendix A and comply with the sampling protocol requirements specified in paragraph (b)(5)(ii) of this section. If these methods are used to analyze one or more compounds that are not on the method's published list of approved compounds, the Alternative Test Procedure specified in 40 CFR 136.4 and 136.5 shall be followed. For Method 625, make corrections to the compounds for which the analysis is being conducted based on the accuracy as recovery factors in Table 7 of the method.

(D) *Method 1624 and Method 1625*. Use procedures specified in Method 1624 and Method 1625 of 40 CFR part 136, appendix A and comply with the requirements specified in paragraph (b)(5)(ii) of this section. If these methods are used to analyze one or more compounds that are not on the method's published list of approved compounds, the Alternative Test Procedure specified in 40 CFR 136.4 and 136.5 shall be followed.

(E) *Other EPA method(s).* Use procedures specified in the method and comply with the requirements specified in paragraphs (b)(5)(ii) and either paragraph (b)(5)(iii)(A) or (b)(5)(iii)(B) of this section.

(F) *Method(s) other than EPA method*. Use procedures specified in the method and comply with the requirements specified in paragraphs (b)(5)(ii) and (b)(5)(iii)(A) of this section.

(ii) *Sampling plan*. The owner or operator who is expressly referred to this paragraph by provisions of this subpart shall prepare a sampling plan. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity. The sample plan shall include procedures for determining recovery efficiency of

the relevant hazardous air pollutants listed in table 8 or table 9 of this subpart. An example of an acceptable sampling plan would be one that incorporates similar sampling and sample handling requirements to those of Method 25D of 40 CFR part 60, appendix A. The sampling plan shall be maintained at the facility.

(iii) *Validation of methods*. The owner or operator shall validate EPA methods other than Methods 25D, 305, 624, 625, 1624, and 1625 using the procedures specified in paragraph (b)(5)(iii)(A) or (b)(5)(iii)(B) of this section. The owner or operator shall validate other methods as specified in paragraph (b)(5)(iii)(A) of this section.

(A) *Validation of EPA methods and other methods*. The method used to measure organic hazardous air pollutants concentrations in the wastewater shall be validated according to section 5.1 or 5.3, and the corresponding calculations in section 6.1 or 6.3, of Method 301 of appendix A of this part. The data are acceptable if they meet the criteria specified in section 6.1.5 or 6.3.3 of Method 301 of appendix A of this part. If correction is required under section 6.3.3 of Method 301 of appendix A of this part, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 of appendix A of this part are not required. The concentrations of the individual organic hazardous air pollutants measured in the water may be corrected to their concentrations had they been measured by Method 305 of appendix A of this part, by multiplying each concentration by the compound-specific fraction measured (Fm) factor listed in table 34 of this subpart.

(B) *Validation for EPA methods*. Follow the procedures as specified in ‘‘Alternative Validation Procedure for EPA Waste Methods’’ 40 CFR part 63, appendix D.

(iv) *Calculations of average concentration*. The average concentration for each individually speciated Table 8 compound shall be calculated by adding the individual values determined for the specific compound in each sample and dividing by the number of samples. The total average concentration of Table 9 compounds shall be calculated by first summing the concentration of the individual compounds to obtain a total hazardous air pollutants concentration for the sample; add the sample totals and then divide by the number of samples in the run to obtain the sample average for the run. If the method used does not speciate the compounds, the sample results should be added and this total divided by the number of samples in the run to obtain the sample average for the run.

(6) *Adjustment for concentrations determined downstream of the point of determination*. The owner or operator shall make corrections to the annual average concentration or total annual average concentration when the concentration is determined downstream of the point of determination at a location where: two or more wastewater streams have been mixed; one or more wastewater streams have been treated; or, losses to the atmosphere have occurred. The owner or operator shall make the adjustments either to the individual data points or to the final annual average concentration.

(c) *Procedures to determine flow rate, when evaluating Group status under paragraph (a)(1) of this section*. An owner or operator who elects to comply with paragraph (a)(1) of this section shall determine the annual average flow rate of the wastewater stream either at the point of determination for each wastewater stream, or downstream of the point of determination with adjustment for flow rate changes made according to paragraph (c)(4) of this section. These procedures may be used in combination for different wastewater streams at the source. The annual average flow rate for the wastewater stream shall be representative of actual or anticipated operation of the chemical manufacturing process unit generating the wastewater over a designated 12-month period. The owner or operator shall consider the total annual wastewater volume generated by the chemical manufacturing process unit. If the chemical manufacturing process unit is a flexible operation unit, the owner or operator shall consider all anticipated production in the process equipment over the designated 12-month period. The procedures specified in paragraphs (c)(1), (c)(2), and (c)(3) of this section are considered acceptable procedures for determining the flow rate. They may be used in combination, and no one procedure shall take precedence over another.

(1) *Knowledge of the wastewater*. The owner or operator may use knowledge of the wastewater stream and/or the process to determine the annual average flow rate. The owner or operator shall use the maximum expected annual average production capacity of the process unit, knowledge of the process, and/or

mass balance information to either: Estimate directly the annual average wastewater flow rate; or estimate the total annual wastewater volume and then divide total volume by 525,600 minutes in a year. Where knowledge is used to determine the annual average flow rate, the owner or operator shall provide sufficient information to document the flow rate for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average flow rate is not required for Group 1 streams.

(2) *Historical Records*. The owner or operator may use historical records to determine the annual average flow rate. Derive the highest annual average flow rate of wastewater from historical records representing the most recent 5 years of operation or, if the process unit has been in service for less than 5 years but at least 1 year, from historical records representing the total operating life of the process unit. Where historical records are used to determine the annual average flow rate, the owner or operator shall provide sufficient information to document the flow rate for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average flow rate is not required for Group 1 streams.

(3) *Measurements of flow rate*. Where an owner or operator elects to comply with paragraph (a)(1) of this section by measuring the flow rate, the owner or operator shall comply with the requirements of this paragraph. Measurements shall be made at the point of determination, or at a location downstream of the point of determination with adjustments for flow rate changes made according to paragraph (c)(4) of this section. Where measurement data are used to determine the annual average flow rate, the owner or operator shall provide sufficient information to document the flow rate for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average flow rate is not required for Group 1 streams.

(4) *Adjustment for flow rates determined downstream of the point of determination*. The owner or operator shall make corrections to the annual average flow rate of a wastewater stream when it is determined downstream of the point of determination at a location where two or more wastewater streams have been mixed or one or more wastewater streams have been treated. The owner or operator shall make corrections for such changes in the annual average flow rate.

§63.145 Process wastewater provisions - test methods and procedures to determine compliance.

(a) *General*. This section specifies the procedures for performance tests that are conducted to demonstrate compliance of a treatment process or a control device with the control requirements specified in §63.138 of this subpart. Owners or operators conducting a design evaluation shall comply with the requirements of paragraph (a)(1) or (a)(2) of this section. Owners or operators conducting a performance test shall comply with the applicable requirements in paragraphs (a) through (i) of this section.

(1) *Performance tests and design evaluations for treatment processes*. If design steam stripper option (§63.138(d)) or RCRA option (§63.138(h)) is selected to comply with §63.138, neither a design evaluation nor a performance test is required. For any other non-biological treatment process, the owner or operator shall conduct either a design evaluation as specified in §63.138(j), or a performance test as specified in this section. For closed biological treatment processes, the owner or operator shall conduct either a design evaluation as specified in §63.138(j), or a performance test as specified in this section. For each open biological treatment process, the owner or operator shall conduct a performance test as specified in this section.

Note: Some open biological treatment processes may not require a performance test. Refer to §63.145(h) and table 36 of this subpart to determine whether the biological treatment process meets the criteria that exempt the owner or operator from conducting a performance test.

(2) *Performance tests and design evaluations for control devices*. The owner or operator shall conduct either a design evaluation as specified in §63.139(d), or a performance test as specified in paragraph (i) of this section for control devices other than flares and paragraph (j) of this section for flares.

(3) *Representative process unit operating conditions*. Compliance shall be demonstrated for representative operating conditions. Operations during periods of startup, shutdown, or malfunction and

periods of nonoperation shall not constitute representative conditions. The owner or operator shall record the process information that is necessary to document operating conditions during the test.

(4) *Representative treatment process or control device operating conditions*. Performance tests shall be conducted when the treatment process or control device is operating at a representative inlet flow rate and concentration. If the treatment process or control device will be operating at several different sets of representative operating conditions, the owner or operator shall comply with paragraphs (a)(4)(i) and (a)(4)(ii) of this section. The owner or operator shall record information that is necessary to document treatment process or control device operating conditions during the test.

(i) *Range of operating conditions*. If the treatment process or control device will be operated at several different sets of representative operating conditions, performance testing over the entire range is not required. In such cases, the performance test results shall be supplemented with modeling and/or engineering assessments to demonstrate performance over the operating range.

(ii) *Consideration of residence time*. If concentration and/or flow rate to the treatment process or control device are not relatively constant (i.e., comparison of inlet and outlet data will not be representative of performance), the owner or operator shall consider residence time, when determining concentration and flow rate.

(5) *Testing equipment*. All testing equipment shall be prepared and installed as specified in the applicable test methods, or as approved by the Administrator.

(6) *Compounds not required to be considered in performance tests or design evaluations*. Compounds that meet the requirements specified in paragraph (a)(6)(i), (a)(6)(ii), or (a)(6)(iii) of this section are not required to be included in the performance test. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this subpart. Concentration measurements based on methods other than Method 305 shall not be adjusted by the compound-specific Fm factor listed in table 34 of this subpart.

(i) Compounds not used or produced by the chemical manufacturing process unit; or

(ii) Compounds with concentrations at the point of determination that are below 1 part per million by weight; or (iii) Compounds with concentrations at the point of determination that are below the lower detection limit where the lower detection limit is greater than 1 part per million by weight. The method shall be an analytical method for wastewater which has that compound as a target analyte.

(7) *Treatment using a series of treatment processes*. In all cases where the wastewater provisions in this subpart allow or require the use of a treatment process to comply with emissions limitations, the owner or operator may use multiple treatment processes. The owner or operator complying with the requirements of §63.138(a)(7)(i), when wastewater is conveyed by hard-piping, shall comply with either §63.145(a)(7)(i) or §63.145(a)(7)(ii) of this subpart. The owner or operator complying with the requirements of §63.138(a)(7)(ii) of this subpart shall comply with the requirements of §63.145(a)(7)(ii) of this subpart.

(i) The owner or operator shall conduct the performance test across each series of treatment processes. For each series of treatment processes, inlet concentration and flow rate shall be measured either where the wastewater stream enters the first treatment process in a series of treatment processes, or prior to the first treatment process as specified in § 63.145(a)(9) of this subpart. For each series of treatment processes, outlet concentration and flow rate shall be measured where the wastewater stream exits the last treatment process in the series of treatment processes, except when the last treatment process is an open or a closed aerobic biological treatment process demonstrating compliance by using the procedures in § 63.145 (f) or (g) of this subpart. When the last treatment process is either an open or a closed aerobic biological treatment process demonstrating compliance by using the procedures in § 63.145 (f) or (g) of this subpart, inlet and outlet concentrations and flow rates shall be measured as provided in paragraphs (a)(7)(i)(A) and (a)(7)(i)(B) of this section. The mass flow rates removed or destroyed by the series of treatment processes and by the biological treatment process are all used to calculate actual mass removal (AMR) as specified in § 63.145(f)(5)(ii) of this subpart.

(A) The inlet and outlet to the series of treatment processes prior to the

biological treatment process are the points at which the wastewater enters the first treatment process and exits the last treatment process in the series, respectively, except as provided in paragraph (a)(9)(ii) of this section.

(B) The inlet to the biological treatment process shall be the point at which the wastewater enters the biological treatment process or the outlet from the series of treatment processes identified in paragraph (a)(7)(i)(A) of this section, except as provided in paragraph (a)(9)(ii) of this section.

(ii) The owner or operator shall conduct the performance test across each treatment process in the series of treatment processes. The mass flow rate removed or destroyed by each treatment process shall be added together to determine whether compliance has been demonstrated using § 63.145 (c), (d), (e), (f), and (g), as applicable. If a biological treatment process is one of the treatment processes in the series of treatment processes, the inlet to the biological treatment process shall be the point at which the wastewater enters the biological treatment process, or the inlet to the equalization tank if all the criteria of paragraph (a)(9)(ii) of this section are met.

(8) When using a biological treatment process to comply with § 63.138 of this subpart, the owner or operator may elect to calculate the AMR using a subset of Table 8 and/or Table 9 compounds determined at the point of determination or downstream of the point of determination with adjustment for concentration and flowrate changes made according to § 63.144(b)(6) and § 63.144(c)(4) of this subpart, respectively. All Table 8 and/or Table 9 compounds measured to determine the RMR, except as provided by § 63.145(a)(6), shall be included in the RMR calculation.

(9) The owner or operator determining the inlet for purposes of demonstrating compliance with § 63.145 (e), (f), or (g) of this subpart may elect to comply with paragraph (a)(9)(i) or (a)(9)(ii) of this section.

(i) When wastewater is conveyed exclusively by hard-piping from the point of determination to a treatment process that is either the only treatment process or the first in a series of treatment processes (i.e., no treatment processes or other waste management units are used upstream of this treatment process to store, handle, or convey the wastewater), the inlet to the treatment process shall be at any location from the point of determination to where the wastewater stream enters the treatment process. When samples are taken upstream of the treatment process and before wastewater streams have converged, the owner or operator shall ensure that the mass flow rate of all Group 1 wastewater streams is accounted for when using § 63.138 (e) or (f) to comply and that the mass flow rate of all Group 1 and Group 2 wastewater streams is accounted for when using § 63.138(g) to comply, except as provided in § 63.145(a)(6).

(ii) The owner or operator may consider the inlet to the equalization tank as the inlet to the biological treatment process if all the criteria in paragraphs (a)(9)(ii)(A) through (a)(9)(ii)(C) of this section are met. The outlet from the series of treatment processes prior to the biological treatment process is the point at which the wastewater exits the last treatment process in the series prior to the equalization tank, if the equalization tank and biological treatment process are part of a series of treatment processes. The owner or operator shall ensure that the mass flow rate of all Group 1 wastewater streams is accounted for when using § 63.138 (e) or (f) to comply and that the mass flow rate of all Group 1 and Group 2 wastewater streams is accounted for when using § 63.138(g) to comply, except as provided in § 63.145(a)(6).

(A) The wastewater is conveyed by hard-piping from either the last previous treatment process or the point of determination to the equalization tank.

(B) The wastewater is conveyed from the equalization tank exclusively by hard-piping to the biological treatment process and no treatment processes or other waste management units are used to store, handle, or convey the wastewater between the equalization tank and the biological treatment process.

(C) The equalization tank is equipped with a fixed roof and a closed vent system that routes emissions to a control device that meets the requirements of § 63.133(a)(2)(i) and § 63.133 (b)(1) through (b)(4) of this subpart.

(b) *Noncombustion treatment process - concentration limits*. This paragraph applies to performance tests that are conducted to demonstrate compliance of a noncombustion treatment process with the parts per million by

weight wastewater stream concentration limits at the outlet of the treatment process. This compliance option is specified in § 63.138(b)(1) and § 63.138(c)(1). Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per § 63.144(b)(5)(ii). Samples shall be collected and analyzed using the procedures specified in § 63.144(b)(5)(i), (b)(5)(ii), and (b)(5)(iii) of this subpart. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 may be adjusted by dividing each concentration by the compound-specific Fm factor listed in Table 34 of this subpart. Concentration measurements based on methods other than Method 305 may be adjusted by multiplying each concentration by the compound-specific Fm factor listed in table 34 of this subpart. (For wastewater streams that are Group 1 for both Table 8 and Table 9 compounds, compliance is demonstrated only if the sum of the concentrations of Table 9 compounds is less than 50 ppmw, and the concentration of each Table 8 compound is less than 10 ppmw.)

(c) *Noncombustion, nonbiological treatment process: Percent mass removal/destruction option.* This paragraph applies to performance tests that are conducted to demonstrate compliance of a noncombustion, nonbiological treatment process with the percent mass removal limits specified in § 63.138(e) (1) and (2) for Table 8 and/or Table 9 compounds. The owner or operator shall comply with the requirements specified in § 63.145 (c)(1) through (c)(6) of this subpart.

(1) *Concentration*. The concentration of Table 8 and/or Table 9 compounds entering and exiting the treatment process shall be determined as provided in this paragraph. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per § 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1- hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in Table 34 of this subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in Table 34 of this subpart.

(2) *Flow rate*. The flow rate of the entering and exiting wastewater streams shall be determined using inlet and outlet flow measurement devices, respectively. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of mass flow rate - for noncombustion, nonbiological treatment processes*. The mass flow rates of Table 8 and/or Table 9 compounds entering and exiting the treatment process are calculated as follows.

$$QMW_a = \frac{\rho}{p \times 10^6}\left(\sum_{k=1}^{p} Q_{a,k} C_{T,a,k}\right) \qquad \text{(Eqn WW1)}$$

$$QMWb = \frac{\rho}{p \times 10^6}\left(\sum_{k=1}^{p} Q_{b,k} C_{T,b,k}\right) \qquad \text{(Eqn WW2)}$$

Where:

QMW_a, QMW_b = Mass flow rate of Table 8 or Table 9 compounds, average of all runs, in wastewater entering (QMW_a) or exiting (QMW_b) the treatment process, kilograms per hour.

ρ = Density of the wastewater, kilograms per cubic meter.

$Q_{a,k}$, $Q_{b,k}$ = Volumetric flow rate of wastewater entering ($Q_{a,k}$) or exiting ($Q_{b,k}$) the treatment process during each run k, cubic meters per hour.

$C_{T,a,k}$, $C_{T,b,k}$ = Total concentration of Table 8 or Table 9 compounds in wastewater entering ($C_{T,a,k}$) or exiting ($C_{T,b,k}$) the treatment process during each run k, parts per million by weight.
p = Number of runs.
k = Identifier for a run.
10^6 = conversion factor, mg/kg

(4) *Percent removal calculation for mass flow rate*. The percent mass removal across the treatment process shall be calculated as follows:
Where:

$$E = \frac{QMW_a - QMW_b}{QMW_a} \times 100 \qquad \text{(Eqn WW3)}$$

E = Removal or destruction efficiency of the treatment process, percent.

QMW_a, QMW_b = Mass flow rate of Table 8 or Table 9 compounds in wastewater entering (QMW_a) and exiting (QMW_b) the treatment process, kilograms per hour (as calculated using Equations WW1 and WW2).

(5) *Calculation of flow-weighted average of Fr values*. If complying with § 63.138(e)(2), use Equation WW8 to calculate the flow-weighted average of the Fr values listed in Table 9 of this subpart. When the term ‘‘combustion’’ is used in Equation WW8, the term ‘‘treatment process’’ shall be used for the purposes of this paragraph.

(6) *Compare mass removal efficiency to required efficiency*. Compare the mass removal efficiency (calculated in Equation WW3) to the required efficiency as specified in § 63.138(e) of this subpart. If complying with § 63.138(e)(1), compliance is demonstrated if the mass removal efficiency is 99 percent or greater. If complying with § 63.138(e)(2), compliance is demonstrated if the mass removal efficiency is greater than or equal to the flow-weighted average of the Fr values calculated in Equation WW8.

(d) *Combustion treatment processes: percent mass removal/destruction option*. This paragraph applies to performance tests that are conducted to demonstrate compliance of a combustion treatment process with the percent mass destruction limits specified in § 63.138(e) (1) and (2) for Table 9 compounds, and/or § 63.138(e)(1) for Table 8 compounds. The owner or operator shall comply with the requirements specified in § 63.145 (d)(1) through (d)(9) of this subpart. (Wastewater streams that are Group 1 for both Table 8 and Table 9 compounds need only do the compliance demonstration for Table 9 compounds.)

(1) *Concentration in wastewater stream entering the combustion treatment process*. The concentration of Table 8 and/or Table 9 compounds entering the treatment process shall be determined as provided in this paragraph. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per § 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 of appendix A of this part shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in table 34 of this subpart.

(2) *Flow rate of wastewater entering the combustion treatment process*. The flow rate of the wastewater stream entering the combustion treatment process shall be determined using an inlet flow meter. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of mass flow rate in wastewater stream entering combustion treatment processes*. The mass flow rate of Table 8 and/or Table 9 compounds entering the treatment process is calculated as follows:

$$QMW_a = \frac{\rho}{p \times 10^6}\left(\sum_{k=1}^{p} Q_{a,k} \times C_{T,a,k}\right) \qquad \text{(Eqn WW4)}$$

Where:
QMW_a = Mass flow rate of Table 8 or Table 9 compounds entering the combustion unit, kilograms per hour.
ρ = Density of the wastewater stream, kilograms per cubic meter.
$Q_{a,k}$ = Volumetric flow rate of wastewater entering the combustion unit during run k, cubic meters per hour.
$C_{T,a,k}$ = Total concentration of Table 8 or Table 9 compounds in the wastewater stream entering the combustion unit during run k, parts per million by weight.
p = Number of runs.
k = Identifier for a run.

(4) *Concentration in vented gas stream exiting the combustion treatment process*. The concentration of Table 8 and/or Table 9 compounds exiting the combustion treatment process in any vented gas stream shall be determined as provided in this paragraph. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced timeintervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements shall be determined using Method 18 of 40 CFR part 60, appendix A. Alternatively, any other test method validated according to the procedures in Method 301 of appendix A of this part may be used.

(5) *Volumetric flow rate of vented gas stream exiting the combustion treatment process*. The volumetric flow rate of the vented gas stream exiting the combustion treatment process shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate. Volumetric flow rate measurements shall be taken at the same time as the concentration measurements.

(6) *Calculation of mass flow rate of vented gas stream exiting combustion treatment processes*. The mass flow rate of Table 8 and/or Table 9 compounds in a vented gas stream exiting the combustion treatment process shall be calculated as follows:

Reserved - 4/26/99 **(Eqn WW5)**

$$QMG_b = K_2\left(\sum_{I=1}^{N} CG_{b,i}MW_i\right)QG_b \qquad \text{(Eqn WW6)}$$

Where:
$CG_{a,i}$, $Cg_{b,i}$ = Concentration of total organic compounds (TOC) (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering ($Cg_{a,i}$) and exiting ($CG_{b,i}$) the control device, dry basis, parts per million by volume.
QMG_a, QMG_b = Mass rate of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering (QMG_a) and exiting (QMG_b) the control device, dry basis, kilograms per hour.
MW_i = Molecular weight of a component, kilogram/kilogram-mole.
QG_a,QG_b = Flow rate of gas stream entering (QG_a) and exiting (QG_b) the control device, dry standard cubic meters per hour.
K_2 = Constant, 41.57×10^{-9} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram), where standard temperature (gram-mole per standard cubic meter) is 20° Celsius.
i = Identifier for a compound.
n = Number of components in the sample.

(7) *Destruction efficiency calculation*. The destruction efficiency of the combustion unit for Table 8 and/or Table 9 compounds shall be calculated as follows:

$$E = \frac{QMW_a - QMG_b}{QMW_a} * 100 \qquad \text{(Eqn WW7)}$$

Where:
E = Destruction efficiency of Table 8 or Table 9 compounds for the combustion unit, percent.

QMW_a = Mass flow rate of Table 8 or Table 9 compounds entering the combustion unit, kilograms per hour.
QMG_b = Mass flow rate of Table 8 or Table 9 compounds in vented gas stream exiting the combustion treatment process, kilograms per hour.

(8) *Calculation of flow-weighted average of Fr values*. Use Equation WW8 to calculate the flow-weighted average of the Fr values listed in table 9 of this subpart.

$$Fr_{avg} = \left[\frac{\sum_{i=1}^{n} \sum_{k=1}^{p} Fr_i \times C_{i,a,k} \times Q_{a,k}}{\sum_{k=1}^{p} \sum_{i=1}^{n} C_{i,a,k} \times Q_{a,k}} \right] \times 100 \qquad \text{(Eqn WW8)}$$

Where:
Fr_{avg} = Flow-weighted average of the Fr values.
$C_{i,a,k}$ = Concentration of Table 8 and/or Table 9 compounds in wastewater stream entering the combustion unit, during run k, parts per million by weight.
$Q_{a,k}$ = Volumetric flow rate of wastewater entering the combustion unit during run k, cubic meters per hour.
Fr_i = Compound-specific Fr value listed in table 9 of this subpart.

(9) *Calculate flow-weighted average of Fr values and compare to mass destruction efficiency*. Compare the mass destruction efficiency (calculated in Equation WW 7) to the required efficiency as specified in § 63.138(e). If complying with § 63.138(e)(1), compliance is demonstrated if the mass destruction efficiency is 99 percent or greater. If complying with § 63.138(e)(2), compliance is demonstrated if the mass destruction efficiency is greater than or equal to the flow-weighted average of the Fr value calculated in Equation WW8.

(e) *Non-combustion treatment processes including closed biological treatment processes: RMR option*. This paragraph applies to performance tests for non-combustion treatment processes other than open biological treatment processes to demonstrate compliance with the mass removal provisions for Table 8 and/or Table 9 compounds. Compliance options for noncombustion treatment processes are specified in § 63.138(f) of this subpart. Compliance options for closed aerobic or anaerobic biological treatment processes are specified in § 63.138(f) and § 63.138(g) of this subpart. When complying with § 63.138(f), the owner or operator shall comply with the requirements specified in § 63.145(e)(1) through (e)(6) of this subpart. When complying with § 63.138(g), the owner or operator shall comply with the requirements specified in § 63.145(e)(1) through (e)(6) of this subpart. (Wastewater streams that are Group 1 for both Table 8 and Table 9 compounds need only do the compliance demonstration for Table 9 compounds.)

(1) *Concentration in wastewater stream*. The concentration of Table 8 and/or Table 9 compounds shall be determined as provided in this paragraph. Concentration measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for concentration change made according to § 63.144(b)(6) of this subpart. Concentration measurements to determine AMR shall be taken at the inlet and outlet to the treatment process and as provided in § 63.145(a)(7) for a series of treatment processes. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per § 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in table 34 of this subpart.

(2) *Flow rate*. Flow rate measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for flow rate change made according to § 63.144(c)(4) of this subpart. Flow rate measurements to determine AMR shall be taken at the inlet and outlet

to the treatment process and as provided in § 63.145(a)(7) for a series of treatment processes. Flow rate shall be determined using inlet and outlet flow measurement devices. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of RMR for non-combustion treatment processes including closed biological treatment processes*. When using § 63.138(f) to comply, the required mass removal of Table 8 and/or Table 9 compounds for each Group 1 wastewater stream shall be calculated as specified in paragraph (e)(3)(i) of this section. When using § 63.138(g) to comply, the required mass removal shall be calculated as specified in paragraph (e)(3)(ii) of this section.

(i) When using § 63.138(f) to comply, the required mass removal of Table 8 and/or Table 9 compounds for each Group 1 wastewater stream shall be calculated using Equation WW9.

$$RMR = \frac{\rho}{10^9} Q \sum_{i=1}^{n} \left(C_i \times Fr_i \right) \qquad \text{(Eqn WW9)}$$

Where:
RMR = Required mass removal for treatment process or series of treatment processes, kilograms per hour.
ρ = Density of the Group 1 wastewater stream, kilograms per cubic meter.
Q = Volumetric flow rate of wastewater determination, liters per hour.
i = Identifier for a compound.
n = Number of Table 8 or Table 9 compounds in stream.
C_i = Concentration of Table 8 or Table 9 compounds at the point of determination, parts per million by weight.
Fr_i = Fraction removal value of a Table 8 or Table 9 compound. Fr values are listed in table 9 of this subpart.
10^9 = Conversion factor, mg/kg * l/m^3 .

(ii) When using § 63.138(g) to comply, the required mass removal is 95 percent of the mass flow rate for all Group 1 and Group 2 wastewater streams combined for treatment. The required mass removal of Table 8 and/or Table 9 compounds for all Group 1 and Group 2 wastewater streams combined for treatment when complying with § 63.138(g) shall be calculated using the following equation:

$$RMR = \frac{0.95\rho}{10^9} Q \sum_{i=1}^{n} \left(Ci \right) \qquad \text{(Eqn WW9a)}$$

Where:
RMR = Required mass removal for treatment process or series of treatment processes, kilograms per hour.
ρ = Density of the Group 1 wastewater stream, kilograms per cubic meter.
Q = Volumetric flow rate of wastewater stream at the point of determination, liters per hour.
i = Identifier for a compound.
n = Number of Table 8 or Table 9 compounds in stream.
C_i = Concentration of Table 8 or Table 9 compounds at the point of determination, parts per million by weight.
10^9 = Conversion factor, mg/kg * l/m^3

(4) (i) The required mass removal is calculated by summing the required mass removal for each Group 1 wastewater stream to be combined for treatment when complying with § 63.138(f).

(ii) The required mass removal is calculated by summing the required mass removal for all Group 1 and Group 2 wastewater streams combined for treatment when complying with § 63.138(g).

(5) *The AMR calculation procedure for non-combustion treatment processes including closed biological treatment processes*. The AMR shall be calculated as follows:

$$AMR = (QMW_a - QMW_b) \qquad \text{(Eqn WW10)}$$

Where:
AMR = Actual mass removal of Table 8 or Table 9 compounds achieved by treatment process or series of treatment processes, kilograms per hour.
QMW_a = Mass flow rate of Table 8 or Table 9 compounds in wastewater entering the treatment process or first treatment process in a series of treatment processes, kilograms per hour.
QMW_b = Mass flow rate of Table 8 or Table 9 compounds in wastewater exiting the last treatment process in a series of treatment processes, kilograms per hour.

(6) *Compare RMR to AMR*. When complying with § 63.138(f), compare the RMR calculated in Equation WW9 to the AMR calculated in Equation WW10. Compliance is demonstrated if the AMR is greater than or equal to the RMR. When complying with § 63.138(g),
compare the RMR calculated in Equation WW–9a to the AMR calculated in Equation WW10. Compliance is demonstrated if the AMR is greater than or equal to 95-percent mass removal.

(f) *Open or closed aerobic biological treatment processes: Required mass removal (RMR) option.* This paragraph applies to the use of performance tests that are conducted for open or closed aerobic biological treatment processes to demonstrate compliance with the mass removal provisions for Table 8 and/or Table 9 compounds. These compliance options are specified in § 63.138(f) of this subpart. The owner or operator shall comply with the requirements specified in § 63.145 (f)(1) through (f)(6) of this subpart. Some compounds may not require a performance test. Refer to § 63.145(h) and table 36 of this subpart to determine which compounds may be exempt from the requirements of this paragraph.

(1) *Concentration in wastewater stream*. The concentration of Table 8 and/or Table 9 compounds shall be determined as provided in this paragraph. Concentration measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for concentration change made according to § 63.144(b)(6) of this subpart. Concentration measurements to determine AMR shall be taken at the inlet and outlet to the treatment process and as provided in § 63.145(a)(7) for a series of treatment processes. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per § 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in table 34 of this subpart.

(2) *Flow rate*. Flow rate measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for flow rate change made according to § 63.144(c)(4) of this subpart. Flow rate measurements to determine AMR shall be taken at the inlet and outlet to the treatment process and as provided in § 63.145(a)(7) for a series of treatment processes. Flow rate shall be determined using inlet and outlet flow measurement devices. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of RMR for open or closed aerobic biological treatment processes*. The required mass removal of Table 8 and/or Table 9 compounds for each Group 1 wastewater stream shall be calculated using the following equation:

$$RMR = \frac{\rho}{10^9} Q \sum_{i=1}^{n} \left(C_i \times Fr_i \right) \qquad \text{(Eqn WW11)}$$

Where:
RMR = Required mass removal for treatment process or series of treatment processes, kilograms per hour.
ρ = Density of the Group 1 wastewater stream, kilograms per cubic meter.

Q = Volumetric flow rate of wastewater stream at the point of determination, liters per hour.
i = Identifier for a compound.
n = Number of Table 8 or Table 9 compounds in stream.
C_i = Concentration of Table 8 or Table 9 compounds at the point of determination, parts per million by weight.
Fr_i = Fraction removal value of a Table 8 or Table 9 compound. Fr values are listed in table 9 of this subpart.
10^9 = Conversion factor, mg/kg * l/m^3 .

(4) The required mass removal is calculated by adding together the required mass removal for each Group 1 wastewater stream to be combined for treatment.

(5) *Actual mass removal calculation procedure for open or closed aerobic biological treatment processes*. The actual mass removal (AMR) shall be calculated using Equation WW12 as specified in paragraph (f)(5)(i) of this section when the performance test is performed across the open or closed aerobic biological treatment process only. If compliance is being demonstrated in accordance with § 63.145(a)(7)(i), the AMR for the series shall be calculated using Equation WW13 in § 63.145(f)(5)(ii). (This equation is for situations where treatment is performed in a series of treatment processes connected by piping.) If compliance is being demonstrated in accordance with § 63.145(a)(7)(ii), the AMR for the biological treatment process shall be calculated using Equation WW12 in § 63.145(f)(5)(i). The AMR for the biological treatment process used in a series of treatment processes calculated using Equation WW12 shall be added to the AMR determined for each of the other individual treatment processes in the series of treatment processes.

(i) Calculate AMR for the open or closed aerobic biological treatment process as follows:

$$AMR = QMW_a * F_{bio} \qquad \text{(Eqn WW12)}$$

Where:
AMR = Actual mass removal of Table 8 or Table 9 compounds achieved by open or closed biological treatment process, kilograms per hour.
QMW_a = Mass flow rate of Table 8 or Table 9 compounds in wastewater entering the treatment process, hard-kilograms per hour.
F_{bio} = Site-specific fraction of Table 8 or Table 9 compounds biodegraded. F_{bio} shall be determined as specified in § 63.145(h) and appendix C of this subpart.

(ii) Calculate AMR across a series of treatment units where the last treatment unit is an open or closed aerobic biological treatment process as follows:

$$AMR = QMW_a - (QMW_b)(1 - F_{bio}) \qquad \text{(Eqn WW13)}$$

Where:
AMR = Actual mass removal of Table 8 or Table 9 compounds achieved by a series of treatment processes, kilograms per hour.
QMW_a = Mass flow rate of Table 8 or Table 9 compounds in wastewater entering the first treatment process in a series of treatment processes, kilograms per hour.
QMW_b = Mass flow rate of Table 8 or Table 9 compounds in wastewater exiting the last treatment process in a series of treatment processes prior to the biological treatment process, kilograms per hour.
F_{bio} = Site-specific fraction of Table 8 or Table 9 compounds biodegraded. F_{bio} shall be determined as specified in § 63.145(h) and appendix C of this subpart.

(6) *Compare RMR to AMR*. Compare the RMR calculated in Equation WW11 to the AMR calculated in either Equation WW12 or WW13, as applicable. Compliance is demonstrated if the AMR is greater than or equal to the RMR.

(g) *Open or closed aerobic biological treatment processes: 95-percent mass removal option.* This paragraph applies to performance tests that are conducted for open or closed aerobic biological treatment processes to demonstrate compliance with the 95-percent mass removal provisions for Table 8 and/or Table 9 compounds. This compliance option is specified in § 63.138(g) of this subpart. The RMR for this option is 95-percent mass removal. The owner or operator shall comply with the requirements specified in § 63.145(g)(1) to determine AMR, § 63.145 (e)(3)(ii) and (e)(4)(ii) to determine RMR, and (g)(2) of this subpart to determine whether compliance has been demonstrated. Some compounds may not require a performance test. Refer to § 63.145(h) and table 36 of this subpart to determine which compounds may be exempt from the requirements of this paragraph. (Wastewater streams that are Group 1 for both Table 8 and Table 9 compounds need only do the compliance demonstration for Table 9 compounds.)

(1) The owner or operator shall comply with the requirements specified in paragraphs (f)(1), (f)(2), and (f)(5) of this section to determine AMR. References to Group 1 wastewater streams shall be deemed Group 1 and Group 2 wastewater streams for the purposes of this paragraph.

(2) *Compare RMR to AMR*. Compliance is demonstrated if the AMR is greater than or equal to RMR.

(h) *Site-specific fraction biodegraded (F_{bio}).* The compounds listed in table 9 of this subpart are divided into two sets for the purpose of determining whether F_{bio} must be determined, and if F_{bio} must be determined, which procedures may be used to determine compound-specific kinetic parameters. These sets are designated as lists 1 and 2 in table 36 of this subpart.

(1) *Performance test exemption*. If a biological treatment process meets the requirements specified in paragraphs (h)(1)(i) and (h)(1)(ii) of this section, the owner or operator is not required to determine Fbio and is exempt from the applicable performance test requirements specified in Sec. 63.138 of this subpart.

(i) The biological treatment process meets the definition of “enhanced biological treatment process” in Sec. 63.111 of this subpart.

(ii) At least 99 percent by weight of all compounds on table 36 of this subpart that are present in the aggregate of all wastewater streams using the biological treatment process to comply with Sec. 63.138 of this subpart are compounds on list 1 of table 36 of this subpart.

(2) *F_{bio} determination*. If a biological treatment process does not meet the requirement specified in paragraph (h)(1)(i) of this section, the owner or operator shall determine F_{bio} for the biological treatment process using the procedures in appendix C to part 63, and paragraph (h)(2)(ii) of this section. If a biological treatment process meets the requirements of paragraph (h)(1)(i) of this section but does not meet the requirement specified in paragraph (h)(1)(ii) of this section, the owner or operator shall determine F_{bio} for the biological treatment process using the procedures in appendix C to part 63, and paragraph (h)(2)(i) of this section.

(i) *Enhanced biological treatment processes*. If the biological treatment process meets the definition of “enhanced biological treatment process” in Sec. 63.111 of this subpart and the wastewater streams include one or more compounds on list 2 of table 36 of this subpart that do not meet the criteria in paragraph (h)(1)(ii) of this section, the owner or operator shall determine F_{bio} for the list 2 compounds using any of the procedures specified in appendix C of 40 CFR part 63. (The symbol “F_{bio}” represents the site specific fraction of an individual Table 8 or Table 9 compound that is biodegraded.) The owner or operator shall calculate F_{bio} for the list 1 compounds using the defaults for first order biodegradation rate constants (K_1) in table 37 of subpart G and follow the procedure explained in Form III of appendix C, 40 CFR part 63, or any of the procedures specified in appendix C, 40 CFR part 63.

(ii) *Biological treatment processes that are not enhanced biological treatment processes.* For biological treatment processes that do not meet the definition for “enhanced biological treatment process” in Sec. 63.111 of this subpart , the owner or operator shall determine F_{bio} for the list 1 and 2 compounds using any of the procedures in appendix C, 40 CFR part 63, except procedure 3 (inlet and outlet concentration measurements). (The symbol “F_{bio}” represents the site specific fraction of an individual Table 8 or Table 9 compound that is biodegraded.)

(i) *Performance tests for control devices other than flares*. This paragraph applies to performance tests that are conducted to demonstrate compliance of a control device with the efficiency limits specified in § 63.139(c). If complying with the 95-percent reduction efficiency requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(9) of this section. If complying with the 20 ppm by volume requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(6) and (i)(9) of this section. The 20 ppm by volume limit or 95 percent reduction efficiency requirement shall be measured as either total organic hazardous air pollutants or as TOC minus methane and ethane.

(1) *Sampling sites*. Sampling sites shall be selected using Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate. For determination of compliance with the 95 percent reduction requirement, sampling sites shall be located at the inlet and the outlet of the control device. For determination of compliance with the 20 parts per million by volume limit, the sampling site shall be located at the outlet of the control device.

(2) *Concentration in gas stream entering or exiting the control device*. The concentration of total organic hazardous air pollutants or TOC in a gas stream shall be determined as provided in this paragraph. Samples may be grab samples or composite samples (i.e., integrated samples). Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements shall be determined using Method 18 of 40 CFR part 60, appendix A. Alternatively, any other test method validated according to the procedures in Method 301 of appendix A of this part may be used.

(3) Volumetric flow rate of gas stream entering or exiting the control device. The volumetric flow rate of the gas stream shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate. Volumetric flow rate measurements shall be taken at the same time as the concentration measurements.

(4) Calculation of TOC concentration. The TOC concentration (CGT) is the sum of the concentrations of the individual components. If compliance is being determined based on TOC, the owner or operator shall compute TOC for each run using the following equation:

$$CG_T = \frac{1}{m}\sum_{j=1}^{m}\left(\sum_{I=1}^{n} CGS_{i,\,j}\right) \qquad \text{(Eqn WW14)}$$

Where:

CG_T = Total concentration of TOC (minus methane and ethane) in vented gas stream, average of samples, dry basis, parts per million by volume.

$CGS_{i,j}$ = Concentration of sample components in vented gas stream for sample j, dry basis, parts per million by volume.

i = Identifier for a compound.

n = Number of components in the sample.

j = Identifier for a sample.

m = Number of samples in the sample run.

(5) Calculation of total organic hazardous air pollutants concentration. The owner or operator determining compliance based on total organic hazardous air pollutants concentration (CHAP) shall compute CHAP according to the Equation WW14, except that only Table 9 compounds shall be summed.

(6) Percent oxygen correction for combustion control devices. If the control device is a combustion device, comply with the requirements specified in paragraph (i)(6)(i) of this section to determine oxygen concentration, and in paragraph (i)(6)(ii) of this section to calculate the percent oxygen correction.

(i) Oxygen concentration. The concentration of TOC or total organic hazardous air pollutants shall be corrected to 3 percent oxygen if the control device is a combustion device. The emission rate correction factor for excess air, composite sampling (i.e., integrated sampling) and analysis procedures of Method 3B of 40 CFR part 60, appendix A shall be used to determine the actual oxygen concentration

(%02d). The samples shall be taken during the same time that the TOC (minus methane or ethane) or total organic hazardous air pollutants samples are taken.

(ii) 3 percent oxygen calculation. The concentration corrected to 3 percent oxygen (CGc), when required, shall be computed using the following equation:

$$CG_c = CG_T\left(\frac{17.9}{20.9 - \%O_{2d}}\right) \qquad \text{(Eqn WW15)}$$

Where:

CG_C = Concentration of TOC or organic hazardous air pollutants corrected to 3 percent oxygen, dry basis, parts per million by volume.

CG_T = Total concentration of TOC (minus methane and ethane) in vented gas stream, average of samples, dry basis, parts per million by volume.

$\%O_{2d}$ = Concentration of oxygen measured in vented gas stream, dry basis, percent by volume.

(7) Mass rate calculation. The mass rate of either TOC (minus methane and ethane) or total organic hazardous air pollutants shall be calculated using the following equations. Where the mass rate of TOC is being calculated, all organic compounds (minus methane and ethane) measured by methods specified in paragraph (i)(2) of this section are summed using Equations WW16 and WW17. Where the mass rate of total organic hazardous air pollutants is being calculated, only Table 9 compounds shall be summed using Equations WW16 and WW17.

$$QMG_a = K_2\left(\sum_{i=1}^{n} CG_{a,i}MW_i\right)QG_a \qquad \text{(Eqn WW16)}$$

$$QMG_b = K_2\left(\sum_{i=1}^{n} CG_{b,i}MW_i\right)QG_b \qquad \text{(Eqn WW17)}$$

Where:

$CG_{a,i}$, $CG_{b,i}$ = Concentration of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering ($CG_{a,i}$) and exiting ($CG_{b,i}$) the control device, dry basis, parts per million by volume.

QMG_a, QMG_b = Mass rate of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering (QMG_a) and exiting (QMG_b) the control device, dry basis, kilograms per hour.

MW_i = Molecular weight of a component, kilogram/kilogram-mole.

QG_a, QG_b = Flow rate of gas stream entering (QG_a) and exiting (QG_b) the control device, dry standard cubic meters per hour.

K_2 = Constant, 41.57×10^{-9} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram), where standard temperature (gram-mole per standard cubic meter) is 20º Celsius.

i = Identifier for a compound.

n = Number of components in the sample.

(8) Percent reduction calculation. The percent reduction in TOC (minus methane and ethane) or total organic hazardous air pollutants shall be calculated as follows:

$$E = \frac{QMG_a - QMG_b}{QMG_a}(100\%) \qquad \text{(Eqn WW18)}$$

Where:

E = Destruction efficiency of control device, percent.

QMG_a, QMG_b = Mass rate of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream entering (QMG_a) and exiting (QMG_b) the control device, dry basis, kilograms per hour.

(9) Compare mass destruction efficiency to required efficiency. If complying with the 95 percent reduction efficiency requirement, compliance is demonstrated if the mass destruction efficiency (calculated in Equation WW18) is 95 percent or greater. If complying with the 20 parts per million by volume limit in Sec.

63.139 (c)(1)(ii) of this subpart, compliance is demonstrated if the outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration is 20 parts per million by volume, or less. For combustion control devices, the concentration shall be calculated on a dry basis, corrected to 3 percent oxygen.

(j) When a flare is used to comply with Sec. 63.139 (c), the owner or operator shall comply with paragraphs (j)(1) through (3) of this section. The owner or operator is not required to conduct a performance test to determine the percent emission reduction or outlet organic HAP or TOC concentration.

(1) Conduct a visible emission test using the techniques specified in § 63.11(b)(4).

(2) Determine the net heating value of the gas being combusted using the techniques specified in § 63.11(b)(6).

(3) Determine the exit velocity using the techniques specified in either § 63.11(b)(7)(i) (and §63.11(b)(7)(iii), where applicable) or § 63.11(b)(8), as appropriate.

Sec. 63.146 Process wastewater provisions - reporting.

(a) For each waste management unit, treatment process, or control device used to comply with Secs. 63.138 (b)(1), (c)(1), (d), (e), (f), or (g) of this subpart for which the owner or operator seeks to monitor a parameter other than those specified in table 11, table 12, or table 13 of this subpart, the owner or operator shall submit a request for approval to monitor alternative parameters according to the procedures specified in Sec. 63.151(f) or (g) of this subpart.

(b) The owner or operator shall submit the information specified in paragraphs (b)(1) through (b)(9) of this section as part of the Notification of Compliance Status required by Sec. 63.152(b) of this subpart.

(1) *Requirements for Group 2 wastewater streams*. This paragraph does not apply to Group 2 wastewater streams that are used to comply with § 63.138(g). For Group 2 wastewater streams, the owner or operator shall include the information specified in paragraphs (b)(1)(i) through (iv) of this section in the Notification of Compliance Status Report. This information may be submitted in any form. Table 15 of this subpart is an example.

(i) Process unit identification and description of the process unit.

(ii) Stream identification code.

(iii) For existing sources, concentration of table 9 compound(s) in parts per million, by weight. For new sources, concentration of table 8 and/or table 9 compound(s) in parts per million, by weight. Include documentation of the methodology used to determine concentration.

(iv) Flow rate in liter per minute.

(2) For each new and existing source, the owner or operator shall submit the information specified in table 15 of this subpart for Table 8 and/or Table 9 compounds.

(3) [Reserved]

(4) For each treatment process identified in table 15 of this subpart that receives, manages, or treats a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, the owner or operator shall submit the information specified in table 17 of this subpart.

(5) For each waste management unit identified in table 15 of this subpart that receives or manages a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, the owner or operator shall submit the information specified in table 18 of this subpart.

(6) For each residual removed from a Group 1 wastewater stream, the owner or operator shall report the information specified in table 19 of this subpart.

(7) For each control device used to comply with Secs. 63.133 through 63.139 of this subpart, the owner or operator shall report the information specified in paragraphs (b)(7)(i) and (b)(7)(ii) of this section.

(i) For each flare, the owner or operator shall submit the information specified in paragraphs (b)(7)(i)(A) through (b)(7)(i)(C) of this section.

(A) Flare design (i.e., steam-assisted, air-assisted, or non-assisted);

(B) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by Sec. 63.139(c)(3) of this subpart; and

(C) Reports of the times and durations of all periods during the compliance determination when the pilot flame is absent or the monitor is not operating.

(ii) For each control device other than a flare, the owner or operator shall submit the information specified in paragraph (b)(7)(ii)(A) of this section and in either paragraph (b)(7)(ii)(B) or (b)(7)(ii)(C) of this section.

(A) The information on parameter ranges specified in Sec. 63.152(b)(2) of this subpart for the applicable parameters specified in table 13 of this subpart, unless the parameter range has already been established in the operating permit; and either

(B) The design evaluation specified in Sec. 63.139(d)(2) of this subpart; or

(C) Results of the performance test specified in Sec. 63.139(d)(1) of this subpart. Performance test results shall include operating ranges of key process and control parameters during the performance test; the value of each parameter being monitored in accordance with Sec. 63.143 of this subpart; and applicable supporting calculations.

(8) For each treatment process used to comply with § 63.138 (b)(1), (c)(1), (d), (e), (f), or (g) of this subpart, the owner or operator shall submit the information specified in paragraphs (b)(8)(i) and (b)(8)(ii) of this section.

(i) For Items 1 and 2 in table 12 of this subpart, the owner or operator shall submit the information specified in paragraphs (b)(8)(i)(A) and (b)(8)(i)(B) of this section. An owner or operator using the design steam stripper compliance option specified § 63.138(d) of this subpart does not have to submit the information specified in paragraph (b)(8)(i)(A) or (b)(8)(i)(B) of this section. However, the monitoring requirements specified in Item 2 of table 12 of this subpart still apply.

(A) The information on parameter ranges specified in Sec. 63.152(b)(2) of this subpart for the parameters approved by the Administrator, unless the parameter range has already been established in the operating permit.

(B) Results of the initial measurements of the parameters approved by the Administrator and any applicable supporting calculations.

(ii) For Item 3 in table 12 of this subpart, the owner or operator shall submit the information on parameter ranges specified in Sec. 63.152(b)(2) of this subpart for the parameters specified in Item 3 of table 12 of this subpart, unless the parameter range has already been established in the operating permit.

(9) For each waste management unit or treatment process used to comply with § 63.138(b)(1), (c)(1), (e), (f), or (g) of this section, the owner or operator shall submit the information specified in either paragraph (b)(9)(i) or (ii) of this section.

(i) The design evaluation and supporting documentation specified in Sec. 63.138(j)(1) of this subpart.

(ii) Results of the performance test specified in Sec. 63.138(j)(2) of this subpart. Performance test results shall include operating ranges of key process and control parameters during the performance test; the value of each parameter being monitored in accordance with Sec. 63.143 of this subpart; and applicable supporting calculations.

(iii) If the owner or operator elects to use one of the technologies specified in Sec. 63.138(h) of this subpart, the owner or operator is exempt from the requirements specified in paragraphs (b)(9)(i) and (b)(9)(ii) of this section.

(c) For each waste management unit that receives, manages, or treats a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, the owner or operator shall submit as part of the next Periodic

Report required by Sec. 63.152(c) of this subpart the results of each inspection required by Sec. 63.143(a) of this subpart in which a control equipment failure was identified. Control equipment failure is defined for each waste management unit in Secs. 63.133 through 63.137 of this subpart. Each Periodic Report shall include the date of the inspection, identification of each waste management unit in which a control equipment failure was detected, description of the failure, and description of the nature of and date the repair was made.

(d) Except as provided in paragraph (f) of this section, for each treatment process used to comply with § 63.138(b)(1), (c)(1), (e), (f), or (g) of this subpart, the owner or operator shall submit as part of the next Periodic Report required by Sec. 63.152(c) the information specified in paragraphs (d)(1), (2), and (3) of this section for the monitoring required by Sec. 63.143(b), (c), and (d).

(1) For Item 1 in table 12, the owner or operator shall submit the results of measurements that indicate that the biological treatment unit is outside the range established in the Notification of Compliance Status or operating permit.

(2) For Item 2 in table 12, the owner or operator shall submit the monitoring results for each operating day during which the daily average value of a continuously monitored parameter is outside the range established in the Notification of Compliance Status or operating permit.

(3) For Item 3 in table 12 of this subpart, the owner or operator shall submit the monitoring results for each operating day during which the daily average value of any monitored parameter approved in accordance with Sec. 63.151 (f) was outside the range established in the Notification of Compliance Status or operating permit.

(e) Except as provided in paragraph (f) of this section, for each control device used to comply with Secs. 63.133 through 63.139 of this subpart, the owner or operator shall submit as part of the next Periodic Report required by Sec. 63.152(c) of this subpart the information specified in either paragraph (e)(1) or (e)(2) of this section.

(1) The information specified in table 20 of this subpart, or

(2) If the owner or operator elects to comply with Sec. 63.143(e)(2) of this subpart, i.e., an organic monitoring device installed at the outlet of the control device, the owner or operator shall submit the monitoring results for each operating day during which the daily average concentration level or reading is outside the range established in the Notification of Compliance Status or operating permit.

(f) Where the owner or operator obtains approval to use a treatment process or control device other than one for which monitoring requirements are specified in Sec. 63.143 of this subpart, or to monitor parameters other than those specified in table 12 or 13 of this subpart, the Administrator will specify appropriate reporting requirements.

(g) If an extension is utilized in accordance with Sec. 63.133(e)(2) or Sec. 63.133(h) of this subpart, the owner or operator shall include in the next periodic report the information specified in Sec. 63.133 (e)(2) or Sec. 63.133(h).

Sec. 63.147 Process wastewater provisions - recordkeeping.

(a) The owner or operator transferring a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream in accordance with Sec. 63.132(g) of this subpart shall keep a record of the notice sent to the treatment operator stating that the wastewater stream or residual contains organic hazardous air pollutants which are required to be managed and treated in accordance with the provisions of this subpart.

(b) The owner or operator shall keep in a readily accessible location the records specified in paragraphs (b)(1) through (b)(8) of this section.

(1) A record that each waste management unit inspection required by Secs. 63.133 through 63.137 of this subpart was performed.

(2) A record that each inspection for control devices required by Sec. 63.139 of this subpart was performed.

(3) A record of the results of each seal gap measurement required by Secs. 63.133(d) and 63.137(c) of this subpart. The records shall include the date of the measurement, the raw data obtained in the measurement, and the calculations described in Sec. 63.120(b)(2), (3), and (4) of this subpart.

(4) For Item 1 and Item 3 of table 12 of this subpart, the owner or operator shall keep the records approved by the Administrator.

(5) Except as provided in paragraph (e) of this section, continuous records of the monitored parameters specified in Item 2 of table 12 and table 13 of this subpart, and in Sec. 63.143(e)(2) of this subpart.

(6) Documentation of a decision to use an extension, as specified in Sec. 63.133(e)(2) or (h) of this subpart, which shall include a description of the failure, documentation that alternate storage capacity is unavailable, and specification of a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

(7) Documentation of a decision to use a delay of repair due to unavailability of parts, as specified in Sec. 63.140(c), shall include a description of the failure, the reason additional time was necessary (including a statement of why replacement parts were not kept on site and when the manufacturer promised delivery), and the date when repair was completed.

(8) Requirements for Group 2 wastewater streams. This paragraph (b)(8) does not apply to Group 2 wastewater streams that are used to comply with § 63.138(g). For all other Group 2 wastewater streams, the owner or operator shall keep in a readily accessible location the records specified in paragraphs (b)(8)(i) through (iv) of this section.

(i) Process unit identification and description of the process unit.

(ii) Stream identification code.

(iii) For existing sources, concentration of table 9 compound(s) in parts per million, by weight. For new sources, concentration of table 8 and/or table 9 compound(s) in parts per million, by weight. Include documentation of the methodology used to determine concentration.

(iv) Flow rate in liter per minute.

(c) For each boiler or process heater used to comply with Secs. 63.133 through 63.139 of this subpart, the owner or operator shall keep a record of any changes in the location at which the vent stream is introduced into the flame zone as required in Sec. 63.139(c)(1) of this subpart.

(d) The owner or operator shall keep records of the daily average value of each continuously monitored parameter for each operating day as specified in Sec. 63.152(f), except as provided in paragraphs (d)(1) through (3) of this section.

(1) For flares, records of the times and duration of all periods during which the pilot flame is absent shall be kept rather than daily averages.

(2) *Regenerative carbon adsorbers*. For regenerative carbon adsorbers, the owner or operator shall keep the records specified in paragraphs (d)(2)(i) and (d)(2)(ii) of this section instead of daily averages.

(i) Records of the total regeneration stream mass flow for each carbon bed regeneration cycle.

(ii) Records of the temperature of the carbon bed after each regeneration cycle.

(3) *Non-regenerative carbon adsorbers.* For non-regenerative carbon adsorbers using organic monitoring equipment, the owner or operator shall keep the records specified in paragraph (d)(3)(i) of this section instead of daily averages. For non-regenerative carbon adsorbers replacing the carbon adsorption system with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and organic concentration in the gas stream vented to the carbon adsorption system, the owner or operator shall keep the records specified in paragraph (d)(3)(ii) of this section instead of daily averages.

(i) (A) Record of how the monitoring frequency, as specified in table 13 of this subpart, was determined.

(B) Records of when organic compound concentration of adsorber exhaust was monitored.

(C) Records of when the carbon was replaced.

(ii) (A) Record of how the carbon replacement interval, as specified in table 13 of this subpart, was determined.

(B) Records of when the carbon was replaced.

(e) Where the owner or operator obtains approval to use a control device other than one for which monitoring requirements are specified in Sec. 63.143 of this subpart, or to monitor parameters other than those specified in table 12 or table 13 of this subpart, the Administrator will specify appropriate recordkeeping requirements.

(f) If the owner or operator uses process knowledge to determine the annual average concentration of a wastewater stream as specified in Sec. 63.144(b)(3) of this subpart and/or uses process knowledge to determine the annual average flow rate as specified in Sec. 63.144(c)(1) of this subpart, and determines that the wastewater stream is not a Group 1 wastewater stream, the owner or operator shall keep in a readily accessible location the documentation of how process knowledge was used to determine the annual average concentration and/or the annual average flow rate of the wastewater stream.

§ 63.148 Leak inspection provisions.

(a) Except as provided in paragraph (k) of this section, for each vapor collection system, closed-vent system, fixed roof, cover, or enclosure required to comply with this section, the owner or operator shall comply with the requirements of paragraphs (b) through (j) of this section.

(b) Except as provided in paragraphs (g) and (h) of this section, each vapor collection system and closed-vent system shall be inspected according to the procedures and schedule specified in paragraphs (b)(1) and (b)(2) of this section and each fixed roof, cover, and enclosure shall be inspected according to the procedures and schedule specified in paragraph (b)(3) of this section.

(1) If the vapor collection system or closed vent system is constructed of hard-piping, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (c) of this section, and

(ii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

(2) If the vapor collection system or closed vent system is constructed of ductwork, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (c) of this section, and

(ii) Conduct annual inspections according to the procedures in paragraph (c) of this section.

(iii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

(3) For each fixed roof, cover, and enclosure, the owner or operator shall conduct initial visual inspections and semi-annual visual inspections for visible, audible, or olfactory indications of leaks as specified in §§ 63.133 through 63.137 of this subpart.

(c) Each vapor collection system and closed vent system shall be inspected according to the procedures specified in paragraphs (c)(1) through (c)(5) of this section.

(1) Inspections shall be conducted in accordance with Method 21 of 40 CFR part 60, appendix A.

(2) (i) Except as provided in paragraph (c)(2)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response

factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the process fluid not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic hazardous air pollutants or volatile organic compounds, the average stream response factor shall be calculated on an inert-free basis.

(ii) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (c)(2)(i) of this section, the instrument readings may be adjusted by multiplying be the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (c)(2)(i) of this section.

(3) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

(4) Calibration gases shall be as follows:

(i) Zero air (less than 10 parts per million hydrocarbon in air); and

(ii) A mixture of methane in air at a concentration less than 10,000 parts per million. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (c)(2)(i) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(5) An owner or operator may elect to adjust or not adjust instrument readings for background. If an owner or operator elects to not adjust readings for background, all such instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If an owner or operator elects to adjust instrument readings for background, the owner or operator shall measure background concentration using the procedures in Secs. 63.180(b) and (c) of subpart H of this part. The owner or operator shall subtract background reading from the maximum concentration indicated by the instrument.

(6) The arithmetic difference between the maximum concentration indicated by the instrument and the background level shall be compared with 500 parts per million for determining compliance.

(d) Leaks, as indicated by an instrument reading greater than 500 parts per million above background or by visual inspections, shall be repaired as soon as practicable, except as provided in paragraph (e) of this section.

(1) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(2) Repair shall be completed no later than 15 calendar days after the leak is detected, except as provided in paragraph (d)(3) of this section.

(3) For leaks found in vapor collection systems used for transfer operations, repairs shall be completed no later than 15 calendar days after the leak is detected or at the beginning of the next transfer loading operation, whichever is later.

(e) Delay of repair of a vapor collection system, closed vent system, fixed roof, cover, or enclosure for which leaks have been detected is allowed if the repair is technically infeasible without a shutdown, as defined in § 63.101 of subpart F of this part, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next shutdown.

(f) For each vapor collection system or closed vent system that contains bypass lines that could divert a vent stream away from the control device and to the atmosphere, the owner or operator shall comply with the provisions of either paragraph (f)(1) or (f)(2) of this section, except as provided in paragraph (f)(3) of this section.

(1) Install, calibrate, maintain, and operate a flow indicator that determines whether vent stream flow is present at least once every 15 minutes. Records shall be generated as specified in § 63.118(a)(3) of this subpart. The flow indicator shall be installed at the entrance to any bypass line; or

(2) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least

once every month to ensure the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

(3) Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(g) Any parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated, as described in paragraph (i)(1) of this section, as unsafe to inspect are exempt from the inspection requirements of paragraphs (b)(1), (b)(2), and (b)(3)(i) of this section if:

(1) The owner or operator determines that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraphs (b)(1), (b)(2), or (b)(3)(i) of this section; and

(2) The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times.

(h) Any parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated, as described in paragraph (i)(2) of this section, as difficult to inspect are exempt from the inspection requirements of paragraphs (b)(1), (b)(2), and (b)(3)(i) of this section if:

(1) The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface; and

(2) The owner or operator has a written plan that requires inspection of the equipment at least once every 5 years.

(i) The owner or operator shall record the information specified in paragraphs (i)(1) through (I)(5) of this section.

(1) Identification of all parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated as unsafe to inspect, an explanation of why the equipment is unsafe to inspect, and the plan for inspecting the equipment.

(2) Identification of all parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated as difficult to inspect, an explanation of why the equipment is difficult to inspect, and the plan for inspecting the equipment.

(3) For each vapor collection system or closed vent system that contains bypass lines that could divert a vent stream away from the control device and to the atmosphere, the owner or operator shall keep a record of the information specified in either paragraph (i)(3)(i) or (i)(3)(ii) of this section.

(i) Hourly records of whether the flow indicator specified under paragraph (f)(1) of this section was operating and whether a diversion was detected at any time during the hour, as well as records of the times of all periods when the vent stream is diverted from the control device or the flow indicator is not operating.

(ii) Where a seal mechanism is used to comply with paragraph (f)(2) of this section, hourly records of flow are not required. In such cases, the owner or operator shall record whether the monthly visual inspection of the seals or closure mechanisms has been done, and shall record the occurrence of all periods when the seal mechanism is broken, the bypass line valve position has changed, or the key for a lock-and-key type configuration has been checked out, and records of any car-seal that has broken.

(4) For each inspection during which a leak is detected, a record of the information specified in paragraphs (i)(4)(i) through (i)(4)(viii) of this section.

(i) The instrument identification numbers; operator name or initials; and identification of the equipment.

(ii) The date the leak was detected and the date of the first attempt to repair the leak.

(iii) Maximum instrument reading measured by the method specified in paragraph (d) of this section after the leak is successfully repaired or determined to be nonrepairable.

(iv) ‘‘Repair delayed’’ and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(v) The name, initials, or other form of identification of the owner or operator (or designee) whose decision it was that repair could not be effected without a shutdown.

(vi) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

(vii) Dates of shutdowns that occur while the equipment is unrepaired.

(viii) The date of successful repair of the leak.

(5) For each inspection conducted in accordance with paragraph (c) of this section during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(6) For each visual inspection conducted in accordance with paragraph (b)(1)(ii) or (b)(3)(ii) of this section during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(j) The owner or operator shall submit with the reports required by § 63.182(b) of subpart H of this part or with the reports required by § 63.152(c) of this subpart, the information specified in paragraphs (j)(1) through (j)(3) of this section.

(1) The information specified in paragraph (I)(4) of this section;

(2) Reports of the times of all periods recorded under paragraph (i)(3)(i) of this section when the vent stream is diverted from the control device through a bypass line; and

(3) Reports of all periods recorded under paragraph (i)(3)(ii) of this section in which the seal mechanism is broken, the bypass line valve position has changed, or the key to unlock the bypass line valve was checked out.

(k) If a closed-vent system subject to this section is also subject to § 63.172 of subpart H of this part, the owner or operator shall comply with the provisions of § 63.172 of subpart H of this part and is exempt from the requirements of this section.

§ 63.149 Control requirements for certain liquid streams in open systems within a chemical manufacturing process unit.

(a) The owner or operator shall comply with the provisions of table 35 of this subpart, for each item of equipment meeting all the criteria specified in paragraphs (b) through (d) and either paragraph (e)(1) or (e)(2) of this section.

(b) The item of equipment is of a type identified in table 35 of this subpart;

(c) The item of equipment is part of a chemical manufacturing process unit that meets the criteria of Sec. 63.100(b) of subpart F of this part;

(d) The item of equipment is controlled less stringently than in table 35 and is not listed in Sec. 63.100(f) of subpart F of this part, and the item of equipment is not otherwise exempt from controls by the provisions of subparts A, F, G, or H of this part; and

(e) The item of equipment:

(1) is a drain, drain hub, manhole, lift station, trench, pipe, or oil/water separator that conveys water with a total annual average concentration greater than or equal to 10,000 parts per million by weight of Table 9 compounds at any flowrate; or a total annual average concentration greater than or equal to 1,000 parts per million by weight of Table 9 compounds at an annual average flow rate greater than or equal to 10 liters per

minute. At a chemical manufacturing process unit subject to the new source requirements of 40 CFR 63.100(l)(1) or 40 CFR 63.100(l)(2), the criteria of this paragraph are also met if the item of equipment conveys water with an annual average concentration greater than or equal to 10 parts per million by weight of any Table 8 compound at an annual average flow rate greater than or equal to 0.02 liter per minute, or

(2) Is a tank that receives one or more streams that contain water with a total annual average concentration greater than or equal to 1,000 ppm (by weight) of Table 9 compounds at an annual average flowrate greater than or equal to 10 liters per minute. At a chemical manufacturing process unit subject to the new source requirements of 40 CFR 63.100(l)(1) or 40 CFR 63.100 (l)(2), the criteria of this paragraph are also met if the tank receives one or more streams that contain water with an annual average concentration greater than or equal to 10 parts per million by weight of any Table 8 compound at an annual average flow rate greater than or equal to 0.02 liter per minute. The owner or operator of the source shall determine the characteristics of the stream as specified in paragraphs (e)(2) (i) and (ii) of this section.

(i) The characteristics of the stream being received shall be determined at the inlet to the tank.

(ii) The characteristics shall be determined according to the procedures in Sec. 63.144 (b) and (c).

§ 63.150 Emissions averaging provisions.

(a) This section applies to owners or operators of existing sources who seek to comply with the emission standard in § 63.112(a) of this subpart by using emissions averaging according to § 63.112(f) of this subpart rather than following the provisions of §§ 63.113 through 63.148 of this subpart. Notwithstanding the definition of process vent in § 63.101 and the sampling site designation in § 63.115(a), for purposes of this section the location of a process vent shall be defined, and the characteristics of its gas stream shall be determined, consistent with paragraph (g)(2)(i) of this section.

(b) Unless an operating permit application has been submitted, the owner or operator shall develop and submit for approval an Implementation Plan containing all of the information required in § 63.151(d) of this subpart for all points to be included in an emissions average. The Implementation Plan or operating permit application shall identify all emission points to be included in the emissions average. This must include any Group 1 emission points to which the reference control technology (defined in § 63.111 of this subpart) is not applied and all other emission points being controlled as part of the average.

(c) The following emission points can be used to generate emissions averaging credits, if control was applied after November 15, 1990 and if sufficient information is available to determine the appropriate value of credits for the emission point:

(1) Group 2 emission points.

(2) Group 1 emission points that are controlled by a technology that the Administrator or permitting authority agrees has a higher nominal efficiency than the reference control technology. Information on the nominal efficiencies for such technologies must be submitted and approved as provided in paragraph (i) of this section.

(3) Emission points from which emissions are reduced by pollution prevention measures. Percent reductions for pollution prevention measures shall be determined as specified in paragraph (j) of this section.

(i) For a Group 1 emission point, the pollution prevention measure must reduce emissions more than the reference control technology would have had the reference control technology been applied to the emission point instead of the pollution prevention measure except as provided in paragraph (c)(3)(ii) of this section.

(ii) If a pollution prevention measure is used in conjunction with other controls for a Group 1 emission point, the pollution prevention measure alone does not have to reduce emissions more than the reference control technology, but the combination of the pollution prevention measure and other controls must reduce emissions more than the reference control technology would have had it been applied instead.

(d) The following emission points cannot be used to generate emissions averaging credits:

(1) Emission points already controlled on or before November 15, 1990, unless the level of control is increased after November 15, 1990, in which case credit will be allowed only for the in-crease in control after November 15, 1990.

(2) Group 1 emission points that are controlled by a reference control technology, unless the reference control technology has been approved for use in a different manner and a higher nominal efficiency has been assigned according to the procedures in paragraph (i) of this section. For example, it is not allowable to claim that an internal floating roof meeting the specifications of § 63.119(b) of this subpart applied to a storage vessel is achieving greater than 95 percent control.

(3) Emission points on shut-down process units. Process units that are shut down cannot be used to generate credits or debits.

(4) Wastewater that is not process wastewater or wastewater streams treated in biological treatment units. These two types of wastewater cannot be used to generate credits or debits. For the purposes of this section, the terms wastewater and wastewater stream are used to mean process wastewater.

(5) Emission points controlled to comply with a State or Federal rule other than this subpart, unless the level of control has been increased after November 15, 1990 above what is required by the other State or Federal rule. Only the control above what is required by the other State or Federal rule will be credited. However, if an emission point has been used to generate emissions averaging credit in an approved emissions average, and the point is subsequently made subject to a State or Federal rule other than this subpart, the point can continue to generate emissions averaging credit for the purpose of complying with the previously approved average.

(e) For all points included in an emissions average, the owner or operator shall:

(1) Calculate and record monthly debits for all Group 1 emission points that are controlled to a level less stringent than the reference control technology for those emission points. Equations in paragraph (g) of this section shall be used to calculate debits.

(2) Calculate and record monthly credits for all Group 1 or Group 2 emission points that are overcontrolled to compensate for the debits. Equations in paragraph (h) of this section shall be used to calculate credits. Emission points and controls that meet the criteria of paragraph (c) of this section may be included in the credit calculation, whereas those described in paragraph (d) of this section shall not be included.

(3) Demonstrate that annual credits calculated according to paragraph (h) of this section are greater than or equal to debits calculated for the same annual compliance period according to paragraph (g) of this section.

(i) The owner or operator may choose to include more than the required number of credit-generating emission points in an average in order to increase the likelihood of being in compliance.

(ii) The initial demonstration in the Implementation Plan or operating permit application that credit-generating emission points will be capable of generating sufficient credits to offset the debits from the debit-generating emission points must be made under representative operating conditions. After the compliance date, actual operating data will be used for all debit and credit calculations.

(4) Demonstrate that debits calculated for a quarterly (3-month) period according to paragraph (g) of this section are not more than 1.30 times the credits for the same period calculated according to paragraph (h) of this section. Compliance for the quarter shall be determined based on the ratio of credits and debits from that quarter, with 30 percent more debits than credits allowed on a quarterly basis.

(5) Record and report quarterly and annual credits and debits in the Periodic Reports as specified in § 63.152(c) of this subpart. Every fourth Periodic Report shall include a certification of compliance with the emissions averaging provisions as required by § 63.152(c)(5)(iv)(B) of this subpart.

(f) Debits and credits shall be calculated in accordance with the methods and procedures specified

in paragraphs (g) and (h) of this section, respectively, and shall not include emissions from the following:

(1) More than 20 individual Group 1 or Group 2 emission points. Where pollution prevention measures (as specified in paragraph (j)(1) of this section) are used to control emission points to be included in an emissions average, no more than 25 emission points may be included in the average. For example, if two emission points to be included in an emissions average are controlled by pollution prevention measures, the average may include up to 22 emission points.

(2) Periods of start-up, shutdown, and malfunction as described in the source's start-up, shutdown, and malfunction plan required by § 63.6(e)(3) of subpart A of this part.

(3) Periods of monitoring excursions as defined in § 63.152(c)(2)(ii)(A) of this subpart. For these periods, the calculation of monthly credits and debits shall be adjusted as specified in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) No credits would be assigned to the credit-generating emission point.

(ii) Maximum debits would be assigned to the debit-generating emission point.

(iii) The owner or operator may demonstrate to the Administrator that full or partial credits or debits should be assigned using the procedures in paragraph (l) of this section.

(g) Debits are generated by the difference between the actual emissions from a Group 1 emission point that is uncontrolled or is controlled to a level less stringent than the reference control technology, and the emissions allowed for the Group 1 emission point. Debits shall be calculated as follows:

(1) The overall equation for calculating source-wide debits is:

$$Debits = \sum_{i=1}^{n}\left(EPV_{iACTUAL} - (0.02)EPV_{iu}\right) + \sum_{i=1}^{n}\left(ES_{iACTUAL} - (0.05)ES_{iu}\right)$$

$$+ \sum_{i=1}^{n}\left(ETR_{iACTUAL} - (0.02)ETR_{iu}\right) + \sum_{i=1}^{n}\left(EWW_{iACTUAL} - EWW_{ic}\right)$$

where:

Debits and all terms of the equation are in units of megagrams per month, and

$EPV_{iACTUAL}$ = Emissions from each Group 1 process vent i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(2) of this section.

(0.02) EPV_{iu} = Emissions from each Group 1 vent i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(2) of this section.

$ES_{iACTUAL}$ = Emissions from each Group 1 storage vessel i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(3) of this section.

(0.05) ES_{iu} = Emissions from each Group 1 storage vessel i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(3) of this section.

$ETR_{iACTUAL}$ = Emissions from each Group 1 transfer rack i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(4) of this section.

(0.02) ETR_{iu} = Emissions from each Group 1 transfer rack i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(4) of this section.

$EWW_{iACTUAL}$ = Emissions from each Group 1 wastewater stream i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(5) of this section.

EWW_{ic} = Emissions from each Group 1 wastewater stream i if the reference control technology

had been applied to the uncontrolled emissions. This is calculated according to paragraph (g)(5) of this section.

n = The number of emission points being included in the emissions average. The value of n is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

(2) Emissions from process vents shall be calculated according to paragraphs (g)(2)(i) through (iii) of this section:

(i) The location of a process vent shall be defined, and the characteristics of its gas stream shall be determined at a point that meets the conditions in either paragraph (g)(2)(i)(A) or (B) of this section and the conditions in paragraphs (g)(2)(i)(C) through (E) of this section.

(A) The point is after the final recovery device (if any recovery devices are present).

(B) If a gas stream included in an emissions average is combined with one or more other gas streams after a final recovery device (if any recovery devices are present), then for each gas stream, the point is at a representative point after any final recovery device and as near as feasible to, but before, the point of combination of the gas streams.

(C) The point is before any control device (for process vents, recovery devices shall not be considered control devices).

(D) The point is before discharge to the atmosphere.

(E) The measurement site for determination of the characteristics of the gas stream was selected using Method 1 or 1A of 40 CFR part 60, appendix A.

(ii) The following equation shall be used for each process vent i to calculate EPV_{iu}:

$$EPV_{iu} = \left(2.494 \times 10^{-9}\right) Qh \left(\sum_{J=1}^{N} CjMj \right)$$

where:

EPV_{iu} = Uncontrolled process vent emission rate from process vent i, megagrams per month.

Q = Vent stream flow rate, dry standard cubic meters per minute, measured using Method 2, 2A, 2C, or 2D of part 60, appendix A, as appropriate.

h = Monthly hours of operation during which positive flow is present in the vent, hours per month.

C_j = Concentration, parts per million by volume, dry basis, of organic HAP j as measured by Method 18 of part 60, appendix A.

M_j = Molecular weight of organic HAP j, gram per gram-mole.

n = Number of organic HAPs.

(A) The values of Q, Cj, and Mj shall be determined during a performance test conducted under representative operating conditions. The values of Q, Cj, and Mj shall be established in the Notification of Compliance Status and must be updated as provided in paragraph (g)(2)(ii)(B) of this section.

(B) If there is a change in capacity utilization other than a change in monthly operating hours, or if any other change is made to the process or product recovery equipment or operation such that the previously measured values of Q, Cj, and Mj are no longer representative, a new performance test shall be conducted to determine new representative values of Q, Cj, and Mj. These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(iii) The following procedures and equations shall be used to calculate EPViACTUAL:

(A) If the vent is not controlled by a control device or pollution prevention measure, EPViACTUAL = EPViu, where EPViu is calculated according to the procedures in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(B) If the vent is controlled using a control device or a pollution prevention measure achieving less than 98-percent reduction,

$$EPV_{iACTUAL} = EPV_{iu} \times \left(1 - \frac{\text{percent reduction}}{100\%}\right)$$

(*1*) The percent reduction shall be measured according to the procedures in § 63.116 of this subpart if a combustion control device is used. For a flare meeting the criteria in § 63.116(a) of this subpart, or a boiler or process heater meeting the criteria in § 63.116(b) of this subpart, the percent reduction shall be 98 percent. If a non-combustion control device is used, percent reduction shall be demonstrated by a performance test at the inlet and outlet of the device, or, if testing is not feasible, by a control design evaluation and documented engineering calculations.

(*2*) For determining debits from Group1 process vents, recovery devices shall not be considered control devices and cannot be assigned a percent reduction in calculating EPViACTUAL. The sampling site for measurement of uncontrolled emissions is after the final recovery device. However, as provided in § 63.113(a)(3), a Group 1 process vent may add sufficient recovery to raise the TRE index value above 1.0, thereby becoming a Group 2 process vent.

(*3*) Procedures for calculating the percent reduction of pollution prevention measures are specified in paragraph (j) of this section.

(3) Emissions from storage vessels shall be calculated as follows:

(i) The following equation shall be used for each storage vessel i to calculate ES_{iu}:

$$ES_{iu} = \frac{L_B + L_W}{12}$$

where:

ES_{iu} = Uncontrolled emissions, defined as emissions from a fixed roof vessel having identical dimensions and vessel color as vessel I, megagrams per month.

L_B = Breathing loss emissions, megagrams per year, calculated according to paragraph (g)(3)(i)(A) of this section.

L_W = Working loss emissions, megagrams per year, calculated according to paragraph (g)(3)(i)(B) of this section.

12 = Constant, months per year.

(A) Breathing loss emissions shall be calculated using the following equation:

$$L_B = 1.02 \times 10^{-5} M_V \left(\frac{P}{P_A - P}\right) 0.68_D 1.73_H 0.51_{\Delta T} 0.50 F_{pCKC}$$

where:

M_v = Molecular weight of vapor in storage vessel, pound per pound-mole.

P_A = Average atmospheric pressure, pounds per square inch absolute.

P = True vapor pressure of the HAP at liquid storage temperature, pounds per square inch absolute. See table 21 of this subpart.

D = Tank diameter, feet.

H = Average vapor space height, feet. Use vessel-specific values or an assumed value of one-half the height.

ΔT = Average ambient diurnal temperature change, °F. A typical value of 20 °F may be used.

Fp = Paint factor, dimensionless, from table 22 of this subpart; use Fp = 1 for vessels located indoors.

C = Adjustment factor for small diameter tanks, dimensionless; use C = 1 for diameter $\geq$30 feet; use C = $0.0771D - 0.0013D^2 - 0.1334$ for diameter <30 feet.

Kc = Product factor, dimensionless. Use 1.0 for organic HAPs.

(B) Working losses shall be calculated using the following equation:

$$L_W = 1.089 \times 10^{-8} M_v (P)(V)(N)(K_N)(K_C)$$

where:

V = Tank capacity, gallon.

N = Number of turnovers per year.

K_N = Turnover factor, dimensionless, and

$$K_N = \frac{180 + N}{6N} \text{ for turnovers} > 36$$

$$K_N = 1 \text{ for turnovers} \leq 36$$

M_v, P, and K_C as defined in paragraph (g)(3)(i)(A) of this section.

(C) The owner or operator may elect to calculate ES_{iu} in accordance with the methods described in American Petroleum Institute Publication 2518, Evaporative Loss from Fixed-Roof Tanks (incorporated by reference as specified in § 63.14 of this part).

(*1*) The owner or operator who elects to use these alternative methods must use them for all storage vessels included in the emissions average as debit or credit generating points.

(*2*) The equations of paragraphs (g)(3)(i)(A) and (g)(3)(i)(B) of this section shall not be used in conjunction with the alternative methods provided under paragraph (g)(3)(i)(C) of this section.

(ii) The following procedures and equations shall be used for each fixed roof storage vessel i that is not controlled with a floating roof to calculate $ES_{iACTUAL}$:

(A) If the vessel is not controlled, $ES_{iACTUAL} = ES_{iu}$, where ES_{iu} is calculated according to the procedures in paragraph (g)(3)(i) of this section.

(B) Except as provided in paragraph (g)(3)(ii)(C) of this section, if the vessel is controlled using a control device or pollution prevention measure achieving less than 95-percent reduction,

$$ES_{iACTUAL} = ES_{iu} * \left(\frac{1 - \text{Percent reduction}}{100} \right)$$

(*1*) The percent reduction for a control device shall be determined through a design evaluation according to the procedures specified in § 63.120(d) of this subpart.

(*2*) Procedures for calculating the percent reduction for pollution prevention measures are specified in paragraph (j) of this section.

(C) If the vessel is controlled according to the provisions of § 63.119(e)(2) of this section where-by the control device is only required to achieve at least 90-percent reduction, the vessel shall not be considered to be generating debits.

(iii) The following equation shall be used for each internal floating roof vessel i that does not meet the specifications of § 63.119(b) or (d) of this subpart to calculate $ES_{iACTUAL}$:

$$ES_{iACTUAL} = (L_W + L_R + L_F + L_D)/12$$

where:

L_W = Withdrawal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(A) of this section.

L_R = Rim seal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(B) of this section.

L_F = Fitting loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(C) of this section.

L_D = Deck seam loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(D) of this section.

12 = Constant, months per year.

(A) Withdrawal loss emissions shall be calculated using the following equation:

$$L_W = \frac{1.018 \times 10^{-5} QCW_L}{D} \left[1 + \left(\frac{N_c F_c}{D} \right) \right]$$

where:
Q = Throughput, gallon per year; (gallon/turnover)* (turnovers per year).
C = Shell clingage factor, barrel per 1,000 square foot, see table 23 of this subpart.
W_L = Average liquid density, pound per gallon.
D = Tank diameter, feet.
N_c = Number of columns, dimensionless, see table 24 of this subpart.
F_c = Effective column diameter, feet [column perimeter (feet)¸3.1416], see table 25 of this subpart.

(B) Rim seal loss emissions shall be calculated using the following equation:

$$L_R = \frac{K_S V^n P^* D M_V K_C}{2{,}205}$$

where:
M_v = Molecular weight of vapor in storage vessel, pound per pound-mole.
D = Tank diameter, feet.
K_c = Product factor, dimensionless; use 1.0 for organic HAPs.
K_s = Seal factor, pound-mole per [foot (miles per hour)n year], see table 26 of this subpart.
V = Average wind speed at the source, miles per hour. A value of 10 miles per hour may be assumed if source-specific data are not available.
n = Seal related wind speed exponent, dimensionless, see table 26 of this subpart.
2,205 = Constant, pounds per megagram.
P^* = Vapor pressure function, dimensionless, and

$$P^* = \frac{\frac{P}{P_A}}{\left[1 + \left(1 - \frac{P}{P_A}\right)0.5\right]^2}$$

where:
P_A = Average atmospheric pressure, pounds per square inch absolute.
P = True vapor pressure at liquid storage temperature, pounds per square inch absolute.

(C) Fitting loss emissions shall be calculated using the following equation:

$$L_F = \frac{F_f P^* M_v K_c}{2{,}205}$$

where:
F_f = The total deck fitting loss factor, pound-mole per year, and where:

$$F_f = \sum_{i=1}^{n} \left(NF_i KF_i\right) = \left[\left(NF_1 KF_1\right) + \left(NF_2 KF_2\right) + \ldots \left(NF_n KF_n\right)\right]$$

N_{Fi} = Number of fittings of a particular type, dimensionless. N_{Fi} is determined for the specific tank or estimated from tables 24 and 27 of this subpart.
K_{Fi} = Deck fitting loss factor for a particular type fitting, pound-mole per year. K_{Fi} is determined for each fitting type from table 27 of this subpart.
n = Number of different types of fittings, dimensionless.
P^*, M_v, K_c, and 2,205 as defined in paragraph (g)(3)(iii)(B) of this section.

(D) Deck seam loss emissions shall be calculated using the following equation:

$$L_D = \frac{K_D S_D D^2 P^* M_v K_c}{2{,}205}$$

where:
K_D = Deck seam loss factor, pound-mole per foot per year, and

K_D = 0.34 for non-welded decks.
K_D = 0 for welded decks.
S_D = Deck seam length factor, feet per square foot, see table 28 of this subpart.
D, P^*, M_v, K_c, and 2,205 as defined in paragraph (g)(3)(iii)(B) of this section.

(iv) The following equation shall be used for each external floating roof vessel i that does not meet the specifications of § 63.119(c) of this subpart to calculate $ES_{iACTUAL}$:

$$ES_{iACTUAL} = \frac{L_W + L_R + L_F}{12}$$

where:
L_W = Withdrawal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iv)(A) of this section.
L_R = Rim seal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iv)(B) of this section.
L_F = Fitting loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iv)(C) of this section.
12 = Constant, months per year.

(A) Withdrawal loss emissions shall be calculated using the following equation:

$$L_W = \frac{4.28 * 10^{-4}\ QCW_L}{D}$$

where:
Q = Throughput, gallons per year.
C = Shell clingage factor, barrel per 1,000 square foot, see table 23 of this subpart.
W_L = Average liquid density, pound per gallon.
D = Vessel diameter, feet.

(B) Rim seal loss emissions shall be calculated using the following equation:

$$L_R = \frac{K_s V^N P^* D M_v K_c}{2{,}205}$$

where:
K_s = Seal factor, pound-mole per [foot (miles per hour)N year], see table 29 of this subpart.
V = Average wind speed, miles per hour, at the source. A value of 10 miles per hour may be assumed if source-specific data are not available.
N = Seal wind speed exponent, dimensionless, see table 29 of this subpart.
P^* = Vapor pressure function, dimensionless, as defined in paragraph (g)(3)(iii)(B) of this section.
D = Vessel diameter, feet.
M_V = Molecular weight of the HAP, pound per pound-mole.
K_c = Product factor, dimensionless; use 1.0 for organic HAPs.
2,205 = Constant, pounds per megagram.

(C) Fitting loss emissions shall be calculated using the following equation:

$$L_F = \frac{F_F P^* M_v K_c}{2{,}205}$$

where:
F_F = The total deck fitting loss factor, pound-mole per year, and

$$F_f = \sum_{i=1}^{n} \left(NF_i KF_i\right) = \left[\left(NF_1 KF_1\right) + \left(NF_2 KF_2\right) + \ldots \left(NF_n KF_n\right)\right]$$

where:
N_{Fi} = Number of fittings of a particular type, dimensionless. NFi is determined for the specific

tank or estimated from tables 30 through 32 of this subpart.
K_{Fi} = Deck fitting loss factor for a particular type fitting, pound-mole per year, and
$K_{Fi} = K_{Fai} + K_{Fbi} V^{mi}$, pound-mole per year, see table 30 of this subpart for the appropriate values of K_{Fa}, K_{Fb}, and m for each fitting type.
V, P^*, M_v, K_c, and 2,205 as defined in paragraph (g)(3)(iv)(B) of this section.

(4) Emissions from transfer racks shall be calculated as follows:

(i) The following equation shall be used for each transfer rack i to calculate ETR_{iu}:

$$ETR_{iu} = (1.20 \times 10^{-7}) \frac{SPMG}{T}$$

where:
ETR_{iu} = Uncontrolled transfer HAP emission rate from transfer rack i, megagrams per month.
S = Saturation factor, dimensionless (see table 33 of this subpart).
P = Weighted average rack partial pressure of organic HAPs transferred at the rack during the month, kilopascals.
M = Weighted average molecular weight of organic HAPs transferred at the transfer rack during the month, gram per gram-mole.
G = Monthly volume of organic HAPs transferred, liters per month.
T = Weighted rack bulk liquid loading temperature during the month, Kelvin (°C + 273).

(ii) The following equation shall be used for each transfer rack i to calculate the weighted average rack partial pressure:

$$P = \frac{\sum_{1}^{j=n} (P_j)(G_j)}{G}$$

where:
P_j = Maximum true vapor pressure of individual organic HAP transferred at the rack, kilopascals.
G = Monthly volume of organic HAP transferred, liters per month, and

$$G = \sum_{1}^{j=n} G_j$$

G_j = Monthly volume of individual organic HAP transferred at the transfer rack, liters per month.
n = Number of organic HAPs transferred at the transfer rack.

(iii) The following equation shall be used for each transfer rack i to calculate the weighted average rack molecular weight:

$$M = \frac{\sum_{1}^{j=n} (M_j)(G_j)}{G}$$

where:
M_j = Molecular weight of individual organic HAP transferred at the rack, gram per gram-mole.
G, G_j, and n as defined in paragraph (g)(4)(ii) of this section.

(iv) The following equation shall be used for each transfer rack i to calculate the monthly weighted rack bulk liquid loading temperature:

$$T = \frac{\sum_{1}^{j=n} (T_j)(G_j)}{G}$$

where:
T_j = Average annual bulk temperature of individual organic HAP loaded at the transfer rack, Kelvin (°C + 273).
G, G_j, and n as defined in paragraph (g)(4)(ii) of this section.

(v) The following procedures and equations shall be used to calculate $ETR_{iACTUAL}$:

(A) If the transfer rack is not controlled, $ETR_{iACTUAL} = ETR_{iu}$, where ETR_{iu} is calculated using the equations specified in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(B) If the transfer rack is controlled using a control device or a pollution prevention measure achieving less than the 98-percent reduction,

$$ETR_{iACTUAL} = ETR_{iu} \left(\frac{1 - \text{Percent reduction}}{100\%} \right)$$

(*1*) The percent reduction for a control device shall be measured according to the procedures and test methods specified in § 63.128(a) of this subpart. For a flare meeting the criteria in § 63.128(b) of this subpart or a boiler or process heater meeting the criteria in § 63.128(c) of this subpart, the percent reduction shall be 98 percent. If testing is not feasible, percent reduction shall be determined through a design evaluation according to the procedures specified in § 63.128(h) of this subpart.

(*2*) Procedures for calculating the percent reduction for pollution prevention measures are specified in paragraph (j) of this section.

(5) Emissions from wastewater shall be calculated as follows:

(i) The following equation shall be used for each wastewater stream i to calculate EWW_{ic}:

$$EWW_{ic} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(1 - Fr_m\right) Fe_m HAP_{im} + \left(0.05\right)\left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(Fr_m HAP_{im}\right)$$

Where:

EWW_{ic} = Monthly wastewater stream emission rate if wastewater stream i is controlled by the reference control technology, megagrams per month.

Q_i = Average flow rate for wastewater stream i, as determined by the procedure in § 63.144(c)(3), liters per minute.

H_i = Number of hours during the month that wastewater stream i was generated, hours per month.

s = Total number of table 9 HAP in wastewater stream i.

Fr_m = Fraction removed of table 9 HAP m in wastewater, from table 9, dimensionless.

Fe_m = Fraction emitted of table 9 HAP m in wastewater, from table 34, dimensionless.

HAP_{im} = Average concentration of table 9 HAP m in wastewater stream i, parts per million by weight.

(A) HAP_{im} shall be determined for the point of determination, or at a location downstream of the point of determination and adjusted according as specified in § 63.144(b)(6) of this subpart, by developing and using the sampling plan specified in § 63.144(b)(5)(ii) of this subpart. The samples collected may be analyzed by any of the methods specified in § 63.144(b)(5)(i)(B) through (b)(5)(i)(F) of this subpart. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed on table 34 of this subpart. Concentration measurements other than Method 305 shall not be adjusted by the compound-specific Fm factor listed in table 34 of this subpart.

(B) Values for Q_i, HAP_{im}, and C_{im} shall be determined during a performance test conducted under representative conditions as specified in § 63.145(a)(3) and (a)(4) of this subpart. The average value obtained from three test runs shall be used. The values of Q_i, HAP_{im}, and C_{im} shall be established in the Notification of Compliance Status and must be updated as provided in paragraph (g)(5)(i)(C) of this section.

(C) If there is a change to the process or operation such that the previously measured values of Q_i, HAP_{im}, and C_{im} are no longer representative, a new performance test shall be conducted to determine new representative values of Qi, HAPim, and Cim. These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(ii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is not managed according to the provisions for waste management units of §§ 63.133 through 63.137 of this subpart, as applicable, which specify equipment and work practices for suppressing and controlling vapors. Q_i, H_i, s, Fe_m, and HAP_{im} are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0 \times 1^{-8}\right) Q_i H_i \sum_{m=1}^{s} Fe_m HAP_{im}$$

where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

(iii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology (for the purposes of the wastewater emissions averaging provisions, the term control is used to mean treatment). Q_i, H_i, s, Fe_m, and HAPim are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[Fe_m HAP_{im}\left(1 - PR_{im}\right)\right] + \left(1 - \frac{R_i}{100\%}\right)\left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(HAP_{im} PR_{im}\right)$$

where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

Pr_{im} = The efficiency of the treatment process, or series of treatment processes, which treat wastewater stream i, in reducing the emission potential of organic HAP m in wastewater, dimensionless, as calculated by:

$$Pr_{im} = \frac{HAP_{im\text{-}in} - HAP_{im\text{-}out}}{HAP_{im\text{-}in}}$$

where:

$HAP_{im\text{–}in}$ = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater entering the first treatment process in the series.

$HAP_{im\text{–}out}$ = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater exiting the last treatment process in the series.

R_i = Reduction efficiency of the device used to control any vapor streams emitted and collected from wastewater stream i during treatment, dimensionless, as determined according to the procedures in § 63.145(i) or (j) of this subpart.

(h) Credits are generated by the difference between emissions that are allowed for each Group 1 and Group 2 emission point and the actual emissions from a Group 1 or Group 2 emission point that has been controlled after November 15, 1990 to a level more stringent than what is required by this subpart or any other State or Federal rule or statute. Credits shall be calculated as follows:

(1) The overall equation for calculating source-wide credits is:

$$Credits = D\sum_{i=1}^{n}\left((0.02)EPV1_{iu} - EPV1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(EPV2_{iBASE} - EPV2_{iACTUAL}\right) +$$

$$D\sum_{i=1}^{n}\left((0.05)ES1_{iu} - ES1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(ES2_{iBASE} - ES2_{iACTUAL}\right) + D\sum_{i=1}^{n}\left((0.02)ETR1_{iu} - ETR1_{iACTUAL}\right)$$

$$+ D\sum_{i=1}^{m}\left(ETR2_{iBASE} - ETR2_{iACTUAL}\right) + D\sum_{i=1}^{n}\left(EWW1_{ic} - EWW1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(EWW2_{iBASE} - EWW2_{iACTUAL}\right)$$

where: Credits and all terms of the equation are in units of megagrams per month, the baseline date is November 15, 1990, and:

D = Discount factor = 0.9 for all credit generating emission points except those controlled by a pollution prevention measure, which will not be discounted.

$EPV1_{iACTUAL}$ = Emissions for each Group 1 process vent i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(2) of this section.

(0.02) $EPV1_{iu}$ = Emissions from each Group 1 process vent i if the reference control technology had been applied to the uncontrolled emissions. EPV1iu is calculated according to paragraph (h)(2) of this section.

$EPV2_{iACTUAL}$ = Emissions from each Group 2 process vent i that is controlled, calculated according to paragraph (h)(2) of this section.

$EPV2_{iBASE}$ = Emissions from each Group 2 process vent i at the baseline date, as calculated in paragraph (h)(2) of this section.

$ES1_{iACTUAL}$ = Emissions from each Group 1 storage vessel i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(3) of this section.

(0.05) $ES1_{iu}$ = Emissions from each Group 1 storage vessel i if the reference control technology had been applied to the uncontrolled emissions. $ES1_{iu}$ is calculated according to paragraph (h)(3) of this section.

$ES2_{iACTUAL}$ = Emissions from each Group 2 storage vessel i that is controlled, calculated according to paragraph (h)(3) of this section.

$ES2_{iBASE}$ = Emissions from each Group 2 storage vessel i at the baseline date, as calculated in paragraph (h)(3) of this section.

$ETR1_{iACTUAL}$ = Emissions from each Group 1 transfer rack i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(4) of this section.

(0.02) $ETR1_{iu}$ = Emissions from each Group 1 transfer rack i if the reference control technology had been applied to the uncontrolled emissions. ETR1iu is calculated according to paragraph (h)(4) of this section.

$ETR2_{iACTUAL}$ = Emissions from each Group 2 transfer rack i that are controlled, calculated according to paragraph (h)(4) of this section.

$ETR2_{iBASE}$ = Emissions from each Group 2 transfer rack i at the baseline date, as calculated in paragraph (h)(4) of this section.

$EWW1_{iACTUAL}$ = Emissions from each Group 1 wastewater stream i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(5) of this section.

$EWW1_{ic}$ = Emissions from each Group 1 wastewater stream i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (h)(5) of this section.

$EWW2_{iACTUAL}$ = Emissions from each Group 2 wastewater stream i that is controlled, calculated according to paragraph (h)(5) of this section.

$EWW2_{iBASE}$ = Emissions from each Group 2 wastewater stream i at the baseline date, calculated according to paragraph (h)(5) of this section.

n = Number of Group 1 emission points included in the emissions average. The value of n is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

m = Number of Group 2 emission points included in the emissions average. The value of m is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

(i) For an emission point controlled using a reference control technology, the percent reduction for calculating credits shall be no greater than the nominal efficiency associated with the reference control technology, unless a higher nominal efficiency is assigned as specified in paragraph (h)(1)(ii) of this section.

(ii) For an emission point controlled to a level more stringent than the reference control technology, the nominal efficiency for calculating credits shall be assigned as described in paragraph (i) of this section. A reference control technology may be approved for use in a different manner and assigned a higher nominal efficiency according to the procedures in paragraph (i) of this section.

(iii) For an emission point controlled using a pollution prevention measure, the nominal efficiency for calculating credits shall be as determined as described in paragraph (j) of this section.

(2) Emissions from process vents shall be determined as follows:

(i) Uncontrolled emissions from Group 1 process vents, EPV1iu, shall be calculated according to the procedures and equation for EPViu in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(ii) Actual emissions from Group 1 process vents controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent emission reduction, $EPV1_{iACTUAL}$, shall be calculated according to the following equation:

$$EPV1_{iACTUAL} = EPV1_{iu} \left(1 - \frac{\text{Nominal efficiency \%}}{100\%} \right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 process vents, $EPV2_{iACTUAL}$:

(A) For a Group 2 process vent controlled by a control device, a recovery device applied as a pollution prevention project, or a pollution prevention measure, if the control achieves a percent reduction less than or equal to 98 percent reduction,

$$EPV2_{iACTUAL} = EPV2_{iu} \left(1 - \frac{\text{Percent reduction}}{100\%} \right)$$

(*1*) $EPV2_{iu}$ shall be calculated according to the equations and procedures for EPV_{iu} in paragraphs (g)(2)(i) and (g)(2)(ii) of this section, except as provided in paragraph (h)(2)(iii)(A)(3) of this section.

(*2*) The percent reduction shall be calculated according to the procedures in paragraphs (g)(2)(iii)(B)(1) through (g)(2)(iii)(B)(3) of this section, except as provided in paragraph (h)(2)(iii)(A)(4) of this section.

(*3*) If a recovery device was added as part of a pollution prevention project, $EPV2_{iu}$ shall be calculated prior to that recovery device. The equation for EPV_{iu} in paragraph (g)(2)(ii) of this section shall be used to calculate $EPV2_{iu}$; however, the sampling site for measurement of vent stream flow rate and organic HAP concentration shall be at the inlet of the recovery device.

(*4*) If a recovery device was added as part of a pollution prevention project, the percent reduction shall be demonstrated by conducting a performance test at the inlet and outlet of that recovery device.

(B) For a Group 2 process vent controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent reduction,

$$EPV2_{iACTUAL} = EPV2_{iu} \left(1 - \frac{\text{Nominal efficiency \%}}{100\%} \right)$$

(iv) Emissions from Group 2 process vents at baseline, $EPV2_{iBASE}$, shall be calculated as follows:

(A) If the process vent was uncontrolled on November 15, 1990, $EPV2_{iBASE} = EPV2_{iu}$ and shall be calculated according to the procedures and equation for EPV_{iu} in paragraphs (g)(2)(i) and (g)(2)(ii)

(B) If the process vent was controlled on November 15, 1990,

$$EPV2_{iBASE} = EPV2_{iu} \left(1 - \frac{\text{Percent reduction}}{100\%} \right)$$

where $EPV2_{iu}$ is calculated according to the procedures and equation for EPV_{iu} in paragraphs (g)(2)(i) and (g)(2)(ii) of this section. The percent reduction shall be calculated according to the procedures specified in paragraphs (g)(2)(iii)(B)(*1*) through (g)(2)(iii)(B)(*3*) of this section.

(C) If a recovery device was added to a process vent as part of a pollution prevention project initiated after November 15, 1990, $EPV2_{iBASE} = EPV2_{iu}$, where $EPV2_{iu}$ is calculated according to paragraph (h)(2)(iii)(A)(*3*) of this section.

(3) Emissions from storage vessels shall be determined as follows:

(i) Uncontrolled emissions from Group 1 storage vessels, $ES1_{iu}$, shall be calculated according to the equations and procedures for ESiu in paragraph (g)(3)(i) of this section.

(ii) Actual emissions from Group 1 storage vessels controlled using a technology with an approved nominal efficiency greater than 95 percent or a pollution prevention measure achieving greater than 95 percent emission reduction, $ES1_{iACTUAL}$, shall be calculated according to the following equation:

$$ES1_{iACTUAL} = ES1_{iu} \left(1 - \frac{\text{Nominal efficiency \%}}{100\%} \right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 storage vessels, $ES2_{iACTUAL}$:

(A) For a Group 2 storage vessel controlled using a control device or a pollution prevention measure (other than an internal or external floating roof) achieving a percent reduction less than or equal to 95-percent reduction,

$$ES2_{iACTUAL} = ES2_{iu} \left(1 - \frac{\text{Percent reduction}}{100\%} \right)$$

(*1*) $ES2_{iu}$ is calculated according to the equations and procedures for ES_{iu} in paragraph (g)(3)(i) of this section.

(*2*) The percent reduction shall be calculated according to the procedures in paragraphs (g)(3)(ii)(B)(*1*) and (g)(3)(ii)(B)(*2*) of this section.

(*3*) If an internal or external floating roof meeting the specifications of § 63.119 (b), (c), or (d) of this subpart is used to control the vessel, the percent reduction shall be 95 percent.

(B) If a Group 2 storage vessel is controlled with an internal or external floating roof not meeting the specifications of § 63.119 (b), (c), or (d) of this subpart, $ES2_{iACTUAL}$ shall be calculated as specified for $ES_{iACTUAL}$ in paragraph (g)(3)(iii) or (g)(3)(iv) of this section.

(C) For a Group 2 storage vessel controlled using a technology with an approved nominal efficiency greater than 95 percent or a pollution prevention measure achieving greater than 95 percent reduction,

$$ES2_{iACTUAL} = ES2_{iu} \left(1 - \frac{\text{Nominal efficiency \%}}{100\%} \right)$$

(iv) Emissions from Group 2 storage vessels at baseline, $ES2_{iBASE}$, shall be calculated as follows:

(A) If the fixed-roof vessel was uncontrolled on November 15, 1990, $ES2_{iBASE} = ES2_{iu}$ and shall be calculated according to the procedures and equations for ES_{iu} in paragraph (g)(3)(i) of this section.

(B) If the storage vessel was controlled on November 15, 1990:

(*1*) The equations for $ES_{iACTUAL}$ in paragraph (g)(3)(iii) of this section shall be used to calculate $ES2_{iBASE}$ for vessels controlled with an internal floating roof that does not meet the specifications of § 63.119 (b) or (d) of this subpart.

(*2*) The equations for $ES_{iACTUAL}$ in paragraph (g)(3)(iv) of this section shall be used to calculate $ES2_{iBASE}$ for vessels controlled with an external floating roof that does not meet the specifications of § 63.119(c) of this subpart.

(*3*) The following equations shall be used to calculate $ES2_{iBASE}$ for vessels controlled with a control device,

$$ES2_{iBASE} = ES2_{iu} \left(1 - \frac{\text{Percent reduction}}{100\%} \right)$$

where $ES2_{iu}$ shall be calculated according to the equations for ES_{iu} in paragraph (g)(3)(i) of this section. The percent reduction shall be calculated according to the procedures in paragraphs (g)(3)(ii)(B)(*1*) and (g)(3)(ii)(B)(*2*) of this section.

(4) Emissions from transfer racks shall be determined as follows:

(i) Uncontrolled emissions from Group 1 transfer racks, $ETR1_{iu}$, shall be calculated according to the procedures and equations for ETR_{iu} as described in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(ii) Actual emissions from Group 1 transfer racks controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent emission reduction, $ETR_{iACTUAL}$, shall be calculated according to the following equation:

$$ETR1_{iACTUAL} = ETR1_{iu} \left(1 - \frac{\text{Nominal efficiency}}{100\%} \right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 transfer racks, $ETR2_{iACTUAL}$:

(A) For a Group 2 transfer rack controlled by a control device or a pollution prevention measure achieving a percent reduction less than or equal to 98 percent reduction,

$$ETR2_{iACTUAL} = ETR2_{iu} \left(1 - \frac{\text{Percent reduction}}{100\%} \right)$$

(*1*) $ETR2_{iu}$ shall be calculated according to the equations and procedures for ETR_{iu} in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(*2*) The percent reduction shall be calculated according to the procedures in paragraph (g)(4)(v)(B)(1) and (g)(4)(v)(B)(2) of this section.

(B) For a Group 2 transfer rack controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent reduction,

$$ETR2_{iACTUAL} = ETR2_{iu} \left(1 - \frac{\text{Nominal efficiency}}{100\%} \right)$$

(iv) Emissions from Group 2 transfer racks at baseline, $ETR2_{iBASE}$, shall be calculated as follows:

(A) If the transfer rack was uncontrolled on November 15, 1990, $ETR2_{iBASE} = ETR2_{iu}$ and shall be calculated according to the procedures and equations for ETR_{iu} in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(B) If the transfer rack was controlled on November 15, 1990,

$$ETR2_{iBASE} = ETR2_{iu} \left(1 - \frac{\text{Percent reduction}}{100\%} \right)$$

where $ETR2_{iu}$ is calculated according to the procedures and equations for ETR_{iu} in paragraphs (g)(4)(i) through (g)(4)(iv) of this section. Percent reduction shall be calculated according to the procedures in paragraphs (g)(4)(v)(B)(1) and (g)(4)(v)(B)(2) of this section.

(5) Emissions from wastewater shall be determined as follows:

(i) $EWW1_{ic}$ shall be calculated according to the equation for EWW_{ic} in paragraph (g)(5)(i) of this section.

(ii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(ii) of this section for each Group 2 wastewater stream i, which, on November 15, 1990, was not managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable.

(iii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i, which, on November 15, 1990, was managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and was uncontrolled or controlled to a level less stringent than the reference control technology.

(iv) For Group 2 wastewater streams that are managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, $EWW2_{iACTUAL}$ shall be calculated as follows:

(A) $EWW2_{iACTUAL}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i that is controlled to a level less stringent than, or equivalent to, the reference control technology.

(B) $EWW2_{iACTUAL}$ shall be calculated according to the procedures for calculating $EWW1_{iACTUAL}$ in paragraph (h)(5)(v) of this section for each Group 2 wastewater stream that is controlled to a level more stringent than the reference control technology.

(v) The following equations for $EWW1_{iACTUAL}$ shall be used to calculate emissions from each Group 1 wastewater stream i that is managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and is controlled to a level more stringent than the reference control technology.

(A) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the concentration of table 9 HAP for stream i greater than that of the design steam stripper specified in § 63.138(d) of this subpart, and the control device used to reduce table 9 HAP emissions from the vapor stream(s) vented from the treatment process(es) achieves a percent reduction equal to 95 percent, the following equation shall be used. All terms in this equation are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[Fe_m HAP_{im} \left(1 - PR_{im}\right) \right] + 0.05 \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[HAP_{im} PR_{im} \right]$$

(B) If the Group 1 wastewater stream i is not controlled using a treatment process or series of treatment processes with a nominal reduction efficiency in the table 9 HAP concentration greater than that of the design steam stripper specified in § 63.138(d) of this subpart, but the vapor stream(s) vented from the treatment process(es) are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[Fe_m HAP_{im}\left(1 - Fr_m\right)\right] + \left(1 - \frac{\text{nominal efficiency } \%}{100}\right)\left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[HAP_{im} Fr_m\right]$$

(C) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the table 9 concentration greater than that of the design steam stripper specified in § 63.138(d) of this subpart, and the vapor stream(s) vented from the treatment process are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[Fe_m HAP_{im}\left(1 - PR_m\right)\right] + \left(1 - \frac{\text{nominal efficiency } \%}{100}\right)\left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[HAP_{im} PR_{im}\right]$$

(i) The following procedures shall be followed to establish nominal efficiencies. The procedures in paragraphs (i)(1) through (i)(6) of this section shall be followed for control technologies that are different in use or design from the reference control technologies and achieve greater percent reductions than the percent efficiencies assigned to the reference control technologies in § 63.111 of this subpart.

(1) In those cases where the owner or operator is seeking permission to take credit for use of a control technology that is different in use or design from the reference control technology, and the different control technology will be used in more than three applications at a single plant-site, the owner or operator shall submit the information specified in paragraphs (i)(1)(i) through (i)(1)(iv) of this section to the Director of the EPA Office of Air Quality Planning and Standards in writing:

(i) Emission stream characteristics of each emission point to which the control technology is or will be applied including the kind of emission point, flow, organic HAP concentration, and all other stream characteristics necessary to design the control technology or determine its performance.

(ii) Description of the control technology including design specifications.

(iii) Documentation demonstrating to the Administrator's satisfaction the control efficiency of the control technology. This may include performance test data collected using an appropriate EPA method or any other method validated according to Method 301 of appendix A of this part. If it is infeasible to obtain test data, documentation may include a design evaluation and calculations. The engineering basis of the calculation procedures and all inputs and assumptions made in the calculations shall be documented.

(iv) A description of the parameter or parameters to be monitored to ensure that the control technology will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) The Administrator shall determine within 120 calendar days whether an application presents sufficient information to determine nominal efficiency. The Administrator reserves the right to request specific data in addition to the items listed in paragraph (i)(1) of this section.

(3) The Administrator shall determine within 120 calendar days of the submittal of sufficient data whether a control technology shall have a nominal efficiency and the level of that nominal efficiency. If, in the Administrator's judgment, the control technology achieves a level of emission reduction greater than the reference control technology for a particular kind of emission point, the Administrator will publish a FEDERAL REGISTER notice establishing a nominal efficiency for the control technology.

(4) The Administrator may condition permission to take emission credits for use of the control technology on requirements that may be necessary to ensure operation and maintenance to achieve the specified nominal efficiency.

(5) In those cases where the owner or operator is seeking permission to take credit for use of a control technology that is different in use or design from the reference control technology and the different control technology will be used in no more than three applications at a single plant site, the information listed in

paragraphs (i)(1)(i) through (i)(1)(iv) can be submitted to the permitting authority for the source for approval instead of the Administrator.

(i) In these instances, use and conditions for use of the control technology can be approved by the permitting authority as part of an operating permit application or modification. The permitting authority shall follow the procedures specified in paragraphs (i)(2) through (i)(4) of this section except that, in these instances, a FEDERAL REGISTER notice is not required to establish the nominal efficiency for the different technology.

(ii) If, in reviewing the application, the permitting authority believes the control technology has broad applicability for use by other sources, the permitting authority shall submit the information provided in the application to the Director of the EPA Office of Air Quality Planning and Standards. The Administrator shall review the technology for broad applicability and may publish a FEDERAL REGISTER notice; however, this review shall not affect the permitting authority's approval of the nominal efficiency of the control technology for the specific application.

(6) If, in reviewing an application for a control technology for an emission point, the Administrator or permitting authority determines the control technology is not different in use or design from the reference control technology, the Administrator or permitting authority shall deny the application.

(j) The following procedures shall be used for calculating the efficiency (percent reduction) of pollution prevention measures:

(1) A pollution prevention measure is any practice which meets the criteria of paragraphs (j)(1)(i) and (j)(1)(ii) of this section.

(i) A pollution prevention measure is any practice that results in a lesser quantity of organic HAP emissions per unit of product released to the atmosphere prior to out-of-process recycling, treatment, or control of emissions, while the same product is produced.

(ii) Pollution prevention measures may include: substitution of feedstocks that reduce HAP emissions; alterations to the production process to reduce the volume of materials released to the environment; equipment modifications; housekeeping measures; and in-process recycling that returns waste materials directly to production as raw materials. Production cutbacks do not qualify as pollution prevention.

(2) The emission reduction efficiency of pollution prevention measures implemented after November 15, 1990, can be used in calculating the actual emissions from an emission point in the debit and credit equations in paragraphs (g) and (h) of this section. When the term "organic HAP" is used in § 63.150(j)(2) in reference to wastewater emission points the term "table 9 HAP" shall apply for the purposes of this paragraph.

(i) For pollution prevention measures, the percent reduction used in the equations in paragraphs (g)(2) through (g)(5) of this section and paragraphs (h)(2) through (h)(5) of this section is the percent difference between the monthly organic HAP emissions for each emission point after the pollution prevention measure for the most recent month versus monthly emissions from the same emission point before the pollution prevention measure, adjusted by the volume of product produced during the two monthly periods.

(ii) The following equation shall be used to calculate the percent reduction of a pollution prevention measure for each emission point.

$$\text{Percent reduction} = \frac{E_B - \dfrac{\left(E_{pp} \times P_B\right)}{P_{pp}}}{E_B} \times 100\%$$

where:

Percent reduction = Efficiency of pollution prevention measure (percent organic HAP reduction).

E_B = Monthly emissions before the pollution prevention measure, megagrams per month, determined as specified in paragraphs (j)(2)(ii)(A), (j)(2)(ii)(B), and (j)(2)(ii)(C) of this section.

E_{pp} = Monthly emissions after the pollution prevention measure, megagrams per month, as determined for the most recent month, determined as specified in paragraphs (j)(2)(ii)(D) or (j)(2)(ii)(E) of this section.

P_B = Monthly production before the pollution prevention measure, megagrams per month, during

the same period over which E_B is calculated.

P_{pp} = Monthly production after the pollution prevention measure, megagrams per month, as determined for the most recent month.

(A) The monthly emissions before the pollution prevention measure, EB, shall be determined in a manner consistent with the equations and procedures in paragraphs (g)(2), (g)(3), and (g)(4) of this section for process vents, storage vessels, and transfer operations.

(B) For wastewater, E_B shall be calculated as follows:

$$E_B = \sum_{i=1}^{n}\left[\left(6.0\times10^{-8}\right)Q_{Bi}H_{Bi}\sum_{i=1}^{s}Fe_m HAP_{Bim}\right]$$

where:

n = Number of wastewater streams.

Q_{Bi} = Average flow rate for wastewater stream i before the pollution prevention measure, defined and determined according to paragraph (g)(5)(i) of this section, liters per minute, before implementation of the pollution prevention measure.

H_{Bi} = Number of hours per month that wastewater stream i was discharged before the pollution prevention measure, hours per month.

s = Total number of organic HAPs in wastewater stream i.

Fe_m = Fraction emitted of organic HAP m in wastewater from table 9 of this subpart, dimensionless.

HAP_{Bim} = Average concentration of organic HAP m in wastewater stream i, defined and determined according to paragraph (g)(5)(i) of this section, before the pollution prevention measure, parts per million by weight, as measured before the implementation of the pollution measure.

(C) If the pollution prevention measure was implemented prior to April 22, 1994, records may be used to determine E_B.

(D) The monthly emissions after the pollution prevention measure, E_{pp}, may be determined during a performance test or by a design evaluation and documented engineering calculations. Once an emissions-to-production ratio has been established, the ratio can be used to estimate monthly emissions from monthly production records.

(E) For wastewater, E_{pp} shall be calculated using the following equation:

$$E_{pp} = \sum_{i=1}^{n}\left[\left(6.0\times10^{-8}\right)Q_{ppi}H_{ppi}\sum_{i=1}^{s}Fe_m HAP_{ppim}\right]$$

where n, Q_{ppi}, H_{ppi}, s, Fe_m, and HAP_{ppim} are defined and determined as described in paragraph (j)(2)(ii)(B) of this section except that Q_{ppi}, H_{ppi}, and HAP_{ppim} shall be determined after the pollution prevention measure has been implemented.

(iii) All equations, calculations, test procedures, test results, and other information used to determine the percent reduction achieved by a pollution prevention measure for each emission point shall be fully documented.

(iv) The same pollution prevention measure may reduce emissions from multiple emission points. In such cases, the percent reduction in emissions for each emission point must be calculated.

(v) For the purposes of the equations in paragraphs (h)(2) through (h)(5) of this section, used to calculate credits for emission points controlled more stringently than the reference control technology, the nominal efficiency of a pollution prevention measure is equivalent to the percent reduction of the pollution prevention measure. When a pollution prevention measure is used, the owner or operator of a source is not required to apply to the Administrator for a nominal efficiency and is not subject to paragraph (i) of this section.

(k) The owner or operator must demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the operating permit authority, greater risk to human health or the environment than if the emission points were controlled according to the provisions in §§ 63.113 through 63.148.

(1) This demonstration of hazard or risk equivalency shall be made to the satisfaction of the operating permit authority.

(i) The Administrator may require owners and operators to use specific methodologies and procedures for making a hazard or risk determination.

(ii) The demonstration and approval of hazard or risk equivalency shall be made according to any guidance that the Administrator makes available for use.

(2) Owners and operators shall provide documentation demonstrating the hazard or risk equivalency of their proposed emissions average in their operating permit application or in their Implementation Plan if an operating permit application has not yet been submitted.

(3) An emissions averaging plan that does not demonstrate hazard or risk equivalency to the satisfaction of the Administrator shall not be approved. The Administrator may require such adjustments to the emissions averaging plan as are necessary in order to ensure that the average will not result in greater hazard or risk to human health or the environment than would result if the emission points were controlled according to §§ 63.113 through 63.148 of this subpart.

(4) A hazard or risk equivalency demonstration must:

(i) Be a quantitative, bona fide chemical hazard or risk assessment;

(ii) Account for differences in chemical hazard or risk to human health or the environment; and

(iii) Meet any requirements set by the Administrator for such demonstrations.

(l) For periods of excursions, an owner or operator may request that the provisions of paragraphs (l)(1) through (l)(4) of this section be followed instead of the procedures in paragraphs (f)(3)(i) and (f)(3)(ii) of this section.

(1) The owner or operator shall notify the Administrator of excursions in the Periodic Reports as required in § 63.152 of this subpart.

(2) The owner or operator shall demonstrate that other types of monitoring data or engineering calculations are appropriate to establish that the control device for the emission point was operating in such a fashion to warrant assigning full or partial credits and debits. This demonstration shall be made to the Administrator's satisfaction, and the Administrator may establish procedures of demonstrating compliance that are acceptable.

(3) The owner or operator shall provide documentation of the excursion and the other type of monitoring data or engineering calculations to be used to demonstrate that the control device for the emission point was operating in such a fashion to warrant assigning full or partial credits and debits.

(4) The Administrator may assign full or partial credit and debits upon review of the information provided.

(m) For each Group 1 or Group 2 emission point included in an emissions average, the owner or operator shall perform testing, monitoring, recordkeeping, and reporting equivalent to that required for Group 1 emission points complying with §§ 63.113 through 63.148 of this subpart. The specific requirements for process vents, storage vessels, transfer racks, and wastewater are identified in paragraphs (m)(1) through (m)(6) of this section.

(1) The source shall implement the following testing, monitoring, recordkeeping, and reporting procedures for each process vent equipped with a flare, incinerator, boiler, or process heater.

(i) Determine, consistent with paragraph (g)(2)(i) of this section, whether the process vent is Group 1 or Group 2 according to the procedures in § 63.115.

(ii) Conduct initial performance tests to determine percent reduction as specified in § 63.116 of this subpart;

(iii) Monitor the operating parameters, keep records, and submit reports specified in § 63.114, § 63.117(a), and § 63.118 (a), (f), and (g) of this subpart, as appropriate for the specific control device.

(2) The source shall implement the following procedures for each process vent equipped with a carbon adsorber, absorber, or condenser but not equipped with a control device:

(i) Determine, consistent with paragraph (g)(2)(i) of this section, the flow rate, organic HAP concentration, and TRE index value using the methods specified in § 63.115;

(ii) Monitor the operating parameters, keep records, and submit reports specified in § 63.114, § 63.117(a), and § 63.118(b), (f), and (g) of this subpart, as appropriate for the specific recovery device.

(3) The source shall implement the following procedures for each storage vessel controlled with an internal floating roof, external roof, or a closed vent system with a control device, as appropriate to the control technique:

(i) Perform the monitoring or inspection procedures in § 63.120 of this subpart,

(ii) Perform the reporting and recordkeeping procedures in §§ 63.122 and 63.123 of this subpart, and

(iii) For closed vent systems with control devices, conduct an initial design evaluation and submit an operating plan as specified in § 63.120(d) and § 63.122(a)(2) and (b) of this subpart.

(4) The source shall implement the following procedures for each transfer rack controlled with a vapor balancing system, or a vapor collection system and an incinerator, flare, boiler, process heater, adsorber, condenser, or absorber, as appropriate to the control technique:

(i) The monitoring and inspection procedures in § 63.127 of this subpart,

(ii) The testing and compliance procedures in § 63.128 of this subpart, and

(iii) The reporting and recordkeeping procedures in § 63.129 and § 63.130 of this subpart.

(5) The source shall implement the following procedures for wastewater emission points, as appropriate to the control techniques:

(i) For wastewater treatment processes, conduct tests as specified in § 63.138(j) of this subpart.

(ii) Conduct inspections and monitoring as specified in § 63.143 of this subpart.

(iii) A recordkeeping program as specified in § 63.147 of this subpart.

(iv) A reporting program as specified in § 63.146 of this subpart.

(6) If an emission point in an emissions average is controlled using a pollution prevention measure or a device or technique for which no monitoring parameters or inspection procedures are specified in § 63.114, § 63.120, § 63.127, or § 63.143 of this subpart, the owner or operator shall submit the information specified in § 63.151(f) of this subpart in the Implementation Plan or operating permit application.

(n) Records of all information required to calculate emission debits and credits shall be retained for five years.

(o) Initial Notifications, Implementation Plans, Notifications of Compliance Status, Periodic Re-ports, and other reports shall be submitted as required by § 63.151 and § 63.152 of this subpart.

§ 63.151 Initial notification and implementation plan.

(a) Each owner or operator of a source subject to this subpart shall submit the reports listed in paragraphs (a)(1) through (a)(5) of this section. Owners or operators requesting an extension of compliance shall also submit the report listed in paragraph (a)(6) of this section.

(1) An Initial Notification described in paragraph (b) of this section, and

(2) An Implementation Plan for new sources subject to this subpart or for emission points to be included in an emissions average, unless an operating permit application has been submitted prior to the date the Implementation Plan is due and the owner or operator has elected to include the information specified in § 63.152(e) in that application. The submittal date and contents of the Implementation Plan are specified in paragraphs (c) and (d) of this section.

(i) The submittal date and contents of the Implementation Plan for emission points to be included in an emissions average are specified in paragraphs (c) and (d) of this section.

(ii) The submittal date and contents of the Implementation Plan for emission points that will not be included in an emissions average are specified in paragraph (c) and (e) of this section,

(3) A Notification of Compliance Status described in § 63.152 of this subpart,

(4) Periodic Reports described in § 63.152 of this subpart, and

(5) Other reports described in § 63.152 of this subpart.

(6) Pursuant to section 112(i)(3)(B) of the Act, an owner or operator may request an extension allowing the existing source up to 1 additional year to comply with section 112(d) standards.

(i) For purposes of this subpart, a request for an extension shall be submitted to the permit authority as part of the operating permit application or as part of the Initial Notification or as a separate submittal. Requests for extensions shall be submitted no later than 120 days prior to the compliance dates specified in § 63.100(k)(2), § 63.100(l)(4), and § 63.100(m) of subpart F of this part, except as provided for in paragraph (a)(6)(iv) of this section. The dates specified in § 63.6(i) of subpart A of this part for submittal of requests for extensions shall not apply to sources subject to this subpart G.

(ii) A request for an extension of compliance must include the data described in § 63.6(i)(6)(i) (A), (B), and (D) of subpart A of this part.

(iii) The requirements in § 63.6(i)(8) through (i)(14) of subpart A will govern the review and approval of requests for extensions of compliance with this subpart.

(iv) An owner or operator may submit a compliance extension request after the date specified in paragraph (a)(6)(i) 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 shall include, in addition to the information in paragraph (a)(6)(ii) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problem.

(7) The reporting requirements for storage vessels are located in § 63.122 of this subpart.

(b) Each owner or operator of an existing or new source subject to subpart G shall submit a written Initial Notification to the Administrator, containing the information described in paragraph (b)(1) of this section, according to the schedule in paragraph (b)(2) of this section. The Initial Notification provisions in § 63.9(b)(2), (b)(3), and (b)(6) of subpart A shall not apply to owners or operators of sources subject to subpart G.

(1) The Initial Notification shall include the following information:

(i) The name and address of the owner or operator;

(ii) The address (physical location) of the affected source;

(iii) An identification of the kinds of emission points within source that are subject to this subpart;

(iv) An identification of the chemical manufacturing processes subject to subpart G; and

(v) A statement of whether the source can achieve compliance by the relevant compliance date specified in § 63.100 of subpart F.

(2) The Initial Notification shall be submitted according to the schedule in paragraph (b)(2)(i), (b)(2)(ii), or (b)(2)(iii) of this section, as applicable.

(i) For an existing source, the Initial Notification shall be submitted within 120 calendar days after the date of promulgation.

(ii) For a new source that has an initial start-up 90 calendar days after the date of promulgation of this subpart or later, the application for approval of construction or reconstruction required by § 63.5(d) of subpart A shall be submitted in lieu of the Initial Notification. The application shall be submitted as soon as practicable before construction or reconstruction is planned to commence (but it need not be sooner than 90 calendar days after the date of promulgation of this subpart).

(iii) For a new source that has an initial start-up prior to 90 calendar days after the date of promulgation, the Initial Notification shall be submitted within 90 calendar days after the date of promulgation of this subpart. The application for approval of construction or reconstruction described in § 63.5(d) of subpart A is not required for these sources.

(c) Each owner or operator of an existing source with emission points that will be included in an emissions average or new source subject to this subpart must submit an Implementation Plan to the Administrator by the dates specified in paragraphs (c)(1) and (c)(2) of this section unless an operating permit application accompanied by the information specified in § 63.152(e) of this subpart has been submitted. The Implementation Plan for emissions averaging is subject to Administrator approval.

(1) Each owner or operator of an existing source subject to this subpart who elects to comply with § 63.112 of this subpart by using emissions averaging for any emission points, and who has not submitted an operating permit application accompanied by the information specified in § 63.152(e) of this subpart at least 18 months prior to the compliance dates specified in § 63.100 of subpart F of this part, shall develop an Implementation Plan for emissions averaging. For existing sources, the Implementation Plan for those emissions points to be included in the emissions average shall be submitted no later than 18 months prior to the compliance dates in § 63.100 of subpart F of this part.

(i) Each owner or operator of an existing source subject to this subpart who elects to comply with § 63.112 by using emissions averaging for any emission points, and who has not submitted an operating permit application accompanied by the information specified in § 63.152(e) at least 18 months prior to the compliance dates specified in § 63.100 of subpart F of this part, shall develop an Implementation Plan for emissions averaging. For existing sources, the Implementation Plan for those emission points to be included in an emissions average shall be submitted no later than 18 months prior to the compliance dates in § 63.100 of subpart F.

(ii) Each owner or operator of an existing source subject to this subpart who elects to comply with § 63.112 of this subpart by complying with the provisions of §§ 63.113 to 63.148 of this subpart, rather than emissions averaging, for any emission points, and who has not submitted an operating permit application accompanied by the information specified in § 63.152(e) by December 31,1996, shall develop an Implementation Plan. For an existing source, the Implementation Plan for those emission points that are not to be included in an emissions average shall be submitted to the Administrator no later than December 31, 1996.

(2) Each owner or operator of a new source shall submit an Implementation Plan by the date specified in paragraphs (c)(2)(i) or (c)(2)(ii) of this section, as applicable, unless an operating permit application containing the information in paragraph (e) of this section has been submitted by that date.

(i) For a new source that has an initial start-up 90 calendar days after the date of promulgation of this subpart or later, the Implementation Plan shall be submitted with the application for approval of construction or reconstruction by the date specified in paragraph (b)(2)(ii) of this section.

(ii) For a new source that has an initial start-up prior to 90 calendar days after the date of promulgation, the Implementation Plan shall be submitted within 90 calendar days after the date of promulgation of this subpart.

(3) The Administrator shall determine within 120 calendar days whether the Implementation Plan submitted by sources using emissions averaging presents sufficient information. The Administrator shall either approve the Implementation Plan, request changes, or request that the owner or operator submit additional information. Once the Administrator receives sufficient information, the Administrator shall approve, disapprove, or request changes to the plan within 120 calendar days.

(d) Each owner or operator required to submit an Implementation Plan for emissions averaging shall include in the plan, for all emission points included in the emissions average, the information listed in paragraphs (d)(1) through (d)(8) of this section.

(1) The identification of all emission points in the planned emissions average and notation of whether each point is a Group 1 or Group 2 emission point as defined in § 63.111 of this subpart.

(2) The projected emission debits and credits for each emission point and the sum for the emission points involved in the average calculated according to § 63.150 of this subpart. The projected credits must be greater than the projected debits, as required under § 63.150(e)(3) of this subpart.

(3) The specific control technology or pollution prevention measure that will be used for each emission point included in the average and date of application or expected date of application.

(4) The specific identification of each emission point affected by a pollution prevention measure. To be considered a pollution prevention measure, the criteria in § 63.150(j)(1) of this subpart must be met. If the same pollution prevention measure reduces or eliminates emissions from multiple emission points in the average, the owner or operator must identify each of these emission points.

(5) A statement that the compliance demonstration, monitoring, inspection, recordkeeping, and reporting provisions in § 63.150(m), (n), and (o) of this subpart that are applicable to each emission point in the emissions average will be implemented beginning on the date of compliance.

(6) Documentation of the information listed in paragraph (d)(6)(i) through (d)(6)(v) of this section for each process vent, storage vessel, or transfer rack included in the average.

(i) The values of the parameters used to determine whether the emission point is Group 1 or Group 2. Where TRE index value is used for process vent group determination, the estimated or measured values of the parameters used in the TRE equation in § 63.115(d) of this subpart (flow rate, organic HAP emission rate, TOC emission rate, and net heating value) and the resulting TRE index value shall be submitted.

(ii) The estimated values of all parameters needed for input to the emission debit and credit calculations in § 63.150 (g) and (h) of this subpart. These parameter values, or as appropriate, limited ranges for the parameter values, shall be specified in the source's Implementation Plan (or operating permit) as enforceable operating conditions. Changes to these parameters must be reported as required by paragraph (i)(2)(ii) of this section.

(iii) The estimated percent reduction if a control technology achieving a lower percent reduction than the efficiency of the reference control technology, as defined in § 63.111 of this subpart, is or will be applied to the emission point.

(iv) The anticipated nominal efficiency if a control technology achieving a greater percent emission reduction than the efficiency of the reference control technology is or will be applied to the emission point. The procedures in § 63.150(i) of this subpart shall be followed to apply for a nominal efficiency.

(v) The operating plan required in § 63.122(a)(2) and (b) of this subpart for each storage vessel controlled with a closed-vent system with a control device other than a flare.

(7) The information specified in § 63.151(f) of this subpart shall be included in the Implementation Plan for:

(i) Each process vent or transfer rack controlled by a pollution prevention measure or control technique for which monitoring parameters or inspection procedures are not specified in § 63.114, § 63.126(b)(3), or § 63.127 of this subpart, and

(ii) Each storage vessel controlled by pollution prevention or a control technique other than an internal or external floating roof or a closed vent system with a control device.

(8) Documentation of the information listed in paragraph (d)(8)(i) through (d)(8)(iv) for each process wastewater stream included in the average.

(i) The information used to determine whether the wastewater stream is a Group 1 or Group 2 wastewater stream.

(ii) The estimated values of all parameters needed for input to the wastewater emission credit and debit calculations in § 63.150 (g)(5) and (h)(5) of this subpart.

(iii) The estimated percent reduction if:

(A) A control technology that achieves an emission reduction less than or equal to the emission reduction achieved by the design steam stripper, as specified in § 63.138(g) of this subpart, is or will be applied to the wastewater stream, or

(B) A control technology achieving less than or equal to 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes, or

(C) A pollution prevention measure is or will be applied.

(iv) The anticipated nominal efficiency if the owner or operator plans to apply for a nominal efficiency under § 63.150(i) of this subpart. A nominal efficiency shall be applied for if:

(A) A control technology is or will be applied to the wastewater stream and achieves an emission reduction greater than the emission reduction achieved by the design steam stripper as specified in § 63.138(g) of this subpart, or

(B) A control technology achieving greater than 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes.

(v) For each pollution prevention measure, treatment process, or control device used to reduce air emissions of organic HAPs from wastewater and for which no monitoring parameters or inspection procedures are specified in § 63.143 of this subpart, the information specified in § 63.151(f) of this subpart shall be included in the Implementation Plan.

(e) An owner or operator expressly referred to this paragraph shall report, in an Implementation Plan, operating permit application, or as otherwise specified by the permitting authority, the information listed in paragraphs (e)(1) through (e)(5) of this section.

(1) A list designating each emission point complying with §§ 63.113 through 63.149 and whether each emission point is Group 1 or Group 2, as defined in § 63.111. For each process vent within the source, provide the information listed in paragraphs (e)(1)(i) through (iv) of this section.

(i) The chemical manufacturing process unit(s) that is the origin of all or part of the vent stream that exits the process vent.

(ii) The type(s) of unit operations *(i.e.,* an air oxidation reactor, distillation unit, or reactor) that creates the vent stream that exits the process vent.

(iii) For a Group 2 process vent, the last recovery device, if any.

(iv) For a Group 1 process vent, the control device, or other equipment used for compliance.

(2) The control technology or method of compliance that will be applied to each Group 1 emission point.

(3) A statement that the compliance demonstration, monitoring, inspection, recordkeeping, and reporting provisions in §§ 63.113 through 63.149 of this subpart that are applicable to each emission point will be implemented beginning on the date of compliance.

(4) The operating plan required in § 63.122(a)(2) and (b) of this subpart for each storage vessel controlled with a closed vent system with a control device other than a flare.

(5) The monitoring information in § 63.151(f) of this subpart if, for any emission point, the owner or operator of a source seeks to comply through use of a control technique other than those for which monitoring parameters are specified in § 63.114 for process vents, § 63.127 for transfer, and § 63.143 for process wastewater.

(f) The owner or operator who has been directed by any section of this subpart that expressly references this paragraph to set unique monitoring parameters or who requests approval to monitor a different parameter than those listed in § 63.114 for process vents, § 63.127 for transfer, or
§ 63.143 for process wastewater shall submit the information specified in paragraphs (f)(1), (f)(2), and (f)(3) of this section with the operating permit application or as otherwise specified by the permitting authority.

(1) A description of the parameter(s) to be monitored to ensure the control technology or pollution prevention measure is operated in conformance with its design and achieves the specified emission limit, percent reduction, or nominal efficiency, and an explanation of the criteria used to select the parameter(s).

(2) A description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation of the control device, the schedule for this demonstration, and a statement that the owner or operator will establish a range for the monitored parameter as part of the Notification of Compliance

Status report required in § 63.152(b) of this subpart, unless this information has already been included in the operating permit application.

(3) The frequency and content of monitoring, recording, and reporting if monitoring and recording is not continuous, or if reports of daily average values when the monitored parameter value is outside the range established in the operating permit or Notification of Compliance Status will not be included in Periodic Reports required under § 63.152(c) of this subpart. The rationale for the proposed monitoring, recording, and reporting system shall be included.

(g) An owner or operator may request approval to use alternatives to the continuous operating parameter monitoring and recordkeeping provisions listed in §§ 63.114, 63.117, and 63.118 for process vents, §§ 63.127, 63.129, and 63.130 for transfer operations, and §§ 63.143, 63.146, and 63.147 for wastewater.

(1) Requests shall be submitted in the operating permit application or as otherwise specified by the permitting authority and shall contain the information specified in paragraphs (g)(3) through (g)(5) of this section, as applicable.

(2) The provisions in § 63.8(f)(5)(i) of subpart A shall govern the review and approval of requests.

(3) An owner or operator of a source that does not have an automated monitoring and recording system capable of measuring parameter values at least once every 15 minutes and generating continuous records may request approval to use a non-automated system with less frequent monitoring.

(i) The requested system shall include manual reading and recording of the value of the relevant operating parameter no less frequently than once per hour. Daily average values shall be calculated from these hourly values and recorded.

(ii) The request shall contain:

(A) A description of the planned monitoring and recordkeeping system;

(B) Documentation that the source does not have an automated monitoring and recording system;

(C) Justification for requesting an alternative monitoring and recordkeeping system; and

(D) Demonstration to the Administrator’s satisfaction that the proposed monitoring frequency is sufficient to represent control device operating conditions considering typical variability of the specific process and control device operating parameter being monitored.

(4) An owner or operator may request approval to use an automated data compression recording system that does not record monitored operating parameter values at a set frequency (for example once every 15 minutes) but records all values that meet set criteria for variation from previously recorded values.

(i) The requested system shall be designed to:

(A) Measure the operating parameter value at least once every 15 minutes.

(B) Record at least four values each hour during periods of operation.

(C) Record the date and time when monitors are turned off or on.

(D) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident.

(E) Compute daily average values of the monitored operating parameter based on recorded data.

(F) If the daily average is not an excursion, as defined in § 63.152(c)(2)(ii), the data for that operating day may be converted to hourly average values and the four or more individual records for each hour in the operating day may be discarded.

(ii) The request shall contain a description of the monitoring system and data compression recording system, including the criteria used to determine which monitored values are recorded and retained, the method for calculating daily averages, and a demonstration that the system meets all criteria in paragraph (g)(4)(i) of this section.

(5) An owner or operator may request approval to use other alternative monitoring systems according to the procedures specified in § 63.8(f) of subpart A of this part.

(h) The owner or operator required to prepare an Implementation Plan, or otherwise required to submit a report, under paragraph (c), (d), or (e) of this section shall also submit a supplement for any additional alternative controls or operating scenarios that may be used to achieve compliance.

(i) The owner or operator of a source required to submit an Implementation Plan for emissions averaging under paragraphs (c) and (d) of this section shall also submit written updates of the Implementation Plan to the Administrator for approval under the circumstances described in paragraphs (i)(1) and (i)(2) of this section unless the relevant information has been included and submitted in an operating permit application or amendment.

(1) The owner or operator who plans to make a change listed in paragraph (i)(1)(i) or (i)(1)(ii) of this section shall submit an Implementation Plan update at least 120 calendar days prior to making the change.

(i) Whenever an owner or operator elects to achieve compliance with the emissions averaging provisions in § 63.150 of this subpart by using a control technique other than that specified in the Implementation Plan or plans to monitor a different parameter or operate a control device in a manner other than that specified in the Implementation Plan.

(ii) Whenever an emission point or a chemical manufacturing process unit is added to an existing source and is planned to be included in an emissions average, or whenever an emission point not included in the emissions average described in the Implementation Plan is to be added to an emissions average. The information in paragraph (d) of this section shall be updated to include the additional emission point.

(2) The owner or operator who has made a change listed in paragraph (i)(2)(i) or (i)(2)(ii) of this section shall submit an Implementation Plan update within 90 calendar days after the information regarding the change is known to the source. The update may be submitted in the next quarterly Periodic Report if the change is made after the date the Notification of Compliance status is due.

(i) Whenever a process change is made such that the group status of any emission point in an emissions average changes.

(ii) Whenever a value of a parameter in the emission credit or debit equations in § 63.150(g) or (h) changes such that it is outside the range specified in the Implementation Plan and causes a decrease in the projected credits or an increase in the projected debits.

(3) The Administrator shall approve or request changes to the Implementation Plan update within 120 calendar days of receipt of sufficient information regarding the change for emission points included in emissions averages.

(j) The owner or operator of a source subject to this subpart, for emission points that are not included in an emissions average, shall report the Administrator under the circumstances described in paragraphs (j)(1), (j)(2), and (j)(3) of this section unless the relevant information has been included and submitted in an operating permit application or amendment, or as otherwise specified by the permitting authority. The information shall be submitted within 180 calendar days after the change is made or the information regarding the change is known to the source. The update may be submitted in the next Periodic Report if the change is made after the date the Notification of Compliance status is due.

(1) Whenever a deliberate change is made such that the group status of any emission point changes. The information submitted shall include a compliance schedule as specified in § 63.100 of subpart F of this part if the emission point becomes Group 1.

(2) Whenever an owner or operator elects to achieve compliance with this subpart by using a control technique other than that previously reported to the Administrator or to the permitting authority, or plans to monitor a different parameter or operate a control device in a manner other than that specified in the Implementation Plan.

(3) Whenever an emission point or a chemical manufacturing process unit is added to a source, written information specified under paragraphs (e)(1) through (e)(5) of this section, containing information on the new emission point(s) shall be submitted to the EPA regional office where the source is located.

§ 63.152 General reporting and continuous records.

(a) The owner or operator of a source subject to this subpart shall submit the reports listed in paragraphs (a)(1) through (a)(5) of this section and keep continuous records of monitored parameters as specified in paragraph (f) of this section. Owners or operators requesting an extension of compliance shall also submit the report described in § 63.151(a)(6) of this subpart.

(1) An Initial Notification described in § 63.151(b) of this subpart.

(2) An Implementation Plan described in § 63.151 (c), (d), and (e) of this subpart for existing sources with emission points that are included in an emissions average or for new sources

(3) A Notification of Compliance Status described in paragraph (b) of this section.

(4) Periodic Reports described in paragraph (c) of this section.

(5) Other reports described in paragraphs (d) and (e) of this section.

(b) Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status within 150 calendar days after the compliance dates specified in § 63.100 of subpart F of this part.

(1) The notification shall include the results of any emission point group determinations, performance tests, inspections, continuous monitoring system performance evaluations, values of monitored parameters established during performance tests, and any other information used to demonstrate compliance or required to be included in the Notification of Compliance Status under § 63.110(h) for regulatory overlaps, § 63.117 for process vents, § 63.122 for storage vessels,
§ 63.129 for transfer operations, § 63.146 for process wastewater, and § 63.150 for emission points included in an emissions average.

(i) For performance tests and group determinations that are based on measurements, the Notification of Compliance Status shall include one complete test report for each test method used for a particular kind of emission point. For additional tests performed for the same kind of emission point using the same method, the results and any other information required in § 63.117 for process vents, § 63.129 for transfer, and § 63.146 for process wastewater shall be submitted, but a complete test report is not required.

(ii) A complete test report shall include a brief process description, sampling site description, description of sampling and analysis procedures and any modifications to standard procedures, quality assurance procedures, record of operating conditions during the test, record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, documentation of calculations, and any other information required by the test method.

(2) For each monitored parameter for which a range is required to be established under § 63.114 for process vents, § 63.127 for transfer, § 63.143 for process wastewater, § 63.150(m) for emission points in emissions averages, or § 63.151(f), or § 63.152(e), the Notification of Compliance Status shall include the information in paragraphs (b)(2)(i), (b)(2)(ii), and (b)(2)(iii) of this section, unless the range and the operating day definition have been established in the operating permit. The recordkeeping and reporting requirements applicable to storage vessels are located in §§ 63.122 and 63.123.

(i) The specific range of the monitored parameter(s) for each emission point;

(ii) The rationale for the specific range for each parameter for each emission point, including any data and calculations used to develop the range and a description of why the range indicates proper operation of the control device.

(A) If a performance test is required by this subpart for a control device, the range shall be based on the parameter values measured during the performance test and may be supplemented by engineering assessments and/or manufacturer’s recommendations. Performance testing is not required to be conducted over the entire range of permitted parameter values.

(B) If a performance test is not required by this subpart for a control device, the range may be based solely on engineering assessments and manufacturer's recommendations.

(iii) A definition of the source's operating day for purposes of determining daily average values of monitored parameters. The definition shall specify the times at which an operating day begins and ends.

(3) For emission points included in an emissions average, the Notification of Compliance Status shall include the values of all parameters needed for input to the emission credit and debit equations in § 63.150 (g) and (h), calculated or measured according to the procedures in § 63.150 (g) and (h) of this subpart, and the resulting calculation of credits and debits for the first quarter of the year. The first quarter begins on the compliance date specified in § 63.100 of subpart F.

(4) If any emission point is subject to this subpart and to other standards as specified in § 63.110 of this subpart and if the provisions of § 63.110 of this subpart allow the owner or operator to choose which testing, monitoring, reporting, and recordkeeping provisions will be followed, then the Notification of Compliance Status shall indicate which rule's requirements will be followed for testing, monitoring, reporting, and recordkeeping.

(5) An owner or operator who transfers a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream for treatment pursuant to § 63.132(g) shall include in the Notification of Compliance Status the name and location of the transferee and a description of the Group 1 wastewater stream or residual sent to the treatment facility.

(6) An owner or operator complying with § 63.113(i) shall include in the Notification of Compliance Status, or where applicable, a supplement to the Notification of Compliance Status, the name and location of the transferee, and the identification of the Group 1 process vent.

(c) The owner or operator of a source subject to this subpart shall submit Periodic Reports.

(1) Except as specified under paragraphs (c)(5) and (c)(6) of this section, a report containing the information in paragraphs (c)(2), (c)(3), and (c)(4) of this section shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The first report shall be submitted no later than 8 months after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due.

(2) Except as provided in paragraph (c)(2)(iv) of this section, for an owner or operator of a source complying with the provisions of §§ 63.113 through 63.147 of this subpart for any emission points, Periodic Reports shall include all information specified in §§ 63.117 and 63.118 for process vents, § 63.122 for storage vessels, §§ 63.129 and 63.130 for transfer operations, and § 63.146 for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

(i) For each parameter or parameters required to be monitored for a control device, the owner or operator shall establish a range of parameter values to ensure that the device is being applied, operated and maintained properly. As specified in paragraph (b)(2) of this section, these parameter values and the definition of an operating day shall be approved as part of and incorporated into the source's Notification of Compliance Status or operating permit, as appropriate.

(ii) The parameter monitoring data for Group 1 emission points and emission points included in emissions averages that are required to perform continuous monitoring shall be used to determine compliance with the required operating conditions for the monitored control devices. For each excursion, except for excused excursions, the owner or operator shall be deemed to have failed to have applied the control in a manner that achieves the required operating conditions.

(A) An excursion means any of the three cases listed in paragraphs (c)(2)(ii)(A)(*1*), (c)(2)(ii)(A)(*2*), or (c)(2)(ii)(A)(*3*) of this section. For a control device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria in paragraphs (c)(2)(ii)(A)(*1*), (c)(2)(ii)(A)(*2*), or (c)(2)(ii)(A)(*3*), this is considered a single excursion for the control device.

(*1*) When the daily average value of one or more monitored parameters is outside the permitted range.

(*2*) When the period of control device operation is 4 hours or greater in an operating day and monitoring data are insufficient to constitute a valid hour of data for at least 75 percent of the operating hours.

(*3*) When the period of control device operation is less than 4 hours in an operating day and more than one of the hours during the period of operation does not constitute a valid hour of data due to insufficient monitoring data.

(*4*) Monitoring data are insufficient to constitute a valid hour of data, as used in paragraphs (c)(2)(ii)(A)(2) and (c)(2)(ii)(A)(3) of this section, if measured values are unavailable for any of the 15-minute periods within the hour. For data compression systems approved under § 63.151(g)(4), monitoring data are insufficient to calculate a valid hour of data if there are less than 4 data values recorded during the hour.

(B) The number of excused excursions for each control device for each semiannual period is specified in paragraphs (c)(2)(ii)(B)(*1*) through (c)(2)(ii)(B)(*6*) of this section. This paragraph applies to sources required to submit Periodic Reports semiannually or quarterly. The first semi-annual period is the 6-month period starting the date the Notification of Compliance Status is due.

(*1*) For the first semiannual period - six excused excursions.

(*2*) For the second semiannual period - five excused excursions.

(*3*) For the third semiannual period - four excused excursions.

(*4*) For the fourth semiannual period - three excused excursions.

(*5*) For the fifth semiannual period - two excused excursions.

(*6*) For the sixth and all subsequent semiannual periods - one excused excursion.

(C) A monitored parameter that is outside its established range or monitoring data that are not collected are excursions. However, if the conditions in paragraph (c)(2)(ii)(C)(1) or (c)(2)(ii)(C)(2) of this section are met, these excursions are not violations and do not count toward the number of excused excursions for determining compliance.

(1) Periods of start-up, shutdown, or malfunction. During periods of start-up, shutdown, or malfunction when the source is operated during such periods in accordance with the source's start-up, shutdown, and malfunction plan as required by § 63.6(e)(3) of subpart A.

(2) Periods of nonoperation. During periods of nonoperation of the chemical manufacturing process unit, or portion thereof, that results in cessation of the emissions to which the monitoring applies.

(D) Nothing in paragraph (c)(2)(ii) of this section shall be construed to allow or excuse a monitoring parameter excursion caused by any activity that violates other applicable provisions of subpart A, F, or G of this part.

(E) Paragraph (c)(2)(ii) of this section, except paragraph (c)(2)(ii)(C) of this section, shall apply only to emission points and control devices or recovery devices for which continuous monitoring is required by §§ 63.113 through 63.150.

(iii) Periodic Reports shall include the daily average values of monitored parameters for both excused and unexcused excursions, as defined in paragraph (c)(2)(ii)(A) of this section. For excursions caused by lack of monitoring data, the duration of periods when monitoring data were not collected shall be specified.

(iv) The provisions of paragraphs (c)(2), (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section do not apply to any storage vessel for which the owner or operator is not required, by the applicable monitoring plan established under Sec. 63.120(d)(2), to keep continuous records. If continuous records are required, the owner or operator shall specify, in the monitoring plan, whether the provisions of paragraphs (c)(2), (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section apply.

(3) If any performance tests are reported in a Periodic Report, the following information shall be included:

(i) One complete test report shall be submitted for each test method used for a particular kind of emission point tested. A complete test report shall contain the information specified in paragraph (b)(1)(ii) of this section.

(ii) For additional tests performed for the same kind of emission point using the same method, results and any other information required in § 63.117 for process vents, § 63.129 for transfer, and § 63.146 for process wastewater shall be submitted, but a complete test report is not required.

(4) Periodic Reports shall include the information in paragraphs (c)(4)(i) through (c)(4)(iv) of this section, as applicable:

(i) For process vents, reports of process changes as required under § 63.118 (g), (h), (i), and (j) of this subpart,

(ii) Any supplements required under § 63.151 (i) and (j) of this subpart,

(iii) Notification if any Group 2 emission point becomes a Group 1 emission point, including a compliance schedule as required in § 63.100 of subpart F of this part, and

(iv) For gas streams sent for disposal pursuant to Sec. 63.133(i) or for process wastewater streams sent for treatment pursuant to § 63.132(g), reports of changes in the identity of the transferee.

(5) The owner or operator of a source shall submit quarterly reports for all emission points included in an emissions average.

(i) The quarterly reports shall be submitted no later than 60 calendar days after the end of each quarter. The first report shall be submitted with the Notification of Compliance Status no later than 5 months after the compliance date specified in § 63.100 of subpart F.

(ii) The quarterly reports shall include the information specified in this paragraph for all emission points included in an emissions average.

(A) The credits and debits calculated each month during the quarter;

(B) A demonstration that debits calculated for the quarter are not more than 1.30 times the credits calculated for the quarter, as required under § 63.150(e)(4) of this subpart.

(C) The values of any inputs to the credit and debit equations in § 63.150 (g) and (h) of this subpart that change from month to month during the quarter or that have changed since the previous quarter;

(D) Results of any performance tests conducted during the reporting period including one complete report for each test method used for a particular kind of emission point as described in paragraph (c)(3) of this section;

(E) Reports of daily average values of monitored parameters for both excused and unexcused excursions as defined in paragraph (c)(2)(ii)(A) of this section. For excursions caused by lack of monitoring data, the duration of periods when monitoring data were not collected shall be specified.

(iii) Paragraphs (c)(2)(i) through (c)(2)(iii) of this section shall govern the use of monitoring data to determine compliance for Group 1 and Group 2 points included in emissions averages. For storage vessels to which the provisions of paragraphs (c)(2)(i) through (c)(2)(iii) of this section do not apply (as specified in paragraph (c)(2)(iv) of this section), the owner or operator is required to comply with the provisions of the applicable monitoring plan, and monitoring records may be used to determine compliance.

(iv) Every fourth quarterly report shall include the following:

(A) A demonstration that annual credits are greater than or equal to annual debits as required by § 63.150(e)(3) of this subpart; and

(B) A certification of compliance with all the emissions averaging provisions in § 63.150 of this subpart.

(6) The owner or operator of a source shall submit reports quarterly for particular emission points not included in an emissions average under the circumstances described in paragraphs (c)(6)(i) through (c)(6)(v) of this section.

(i) The owner or operator of a source subject to this subpart shall submit quarterly reports for a period of one year for an emission point that is not included in an emissions average if:

(A) The emission point has more excursions, as defined in paragraph (c)(2)(ii) of this section, than the number of excused excursions allowed under paragraph (c)(2)(ii)(B) of this section for a semi-annual reporting period; and

(B) The Administrator requests the owner or operator to submit quarterly reports for the emission point.

(ii) The quarterly reports shall include all information in paragraphs (c)(2), (c)(3), and (c)(4) of this section applicable to the emission point(s) for which quarterly reporting is required under paragraph (c)(6)(i) of this section. Information applicable to other emission points within the source shall be submitted in the semiannual reports required under paragraph (c)(1) of this section.

(iii) Quarterly reports shall be submitted no later than 60 calendar days after the end of each quarter.

(iv) After quarterly reports have been submitted for an emission point for one year, the owner or operator may return to semiannual reporting for the emission point unless the Administrator requests the owner or operator to continue to submit quarterly reports.

(v) Paragraphs (c)(2)(i) through (c)(2)(iii) of this section shall govern the use of monitoring data to determine compliance for Group 1 emission points. For storage vessels to which the provisions of paragraphs (c)(2)(i) through (c)(2)(iii) of this section do not apply (as specified in paragraph (c)(2)(iv) of this section), the owner or operator is required to comply with the provisions of the applicable monitoring plan, and monitoring records may be used to determine compliance.

(d) Other reports shall be submitted as specified in subpart A of this part or in §§ 63.113 through 63.151 of this subpart. These reports are:

(1) Reports of start-up, shutdown, and malfunction required by § 63.10(d)(5) of subpart A. The start-up, shutdown and malfunction reports may be submitted on the same schedule as the Periodic Reports required under paragraph (c) of this section instead of the schedule specified in § 63.10(d)(5) of subpart A.

(2) For storage vessels, the notifications of inspections required by § 63.122 (h)(1) and (h)(2) of this subpart.

(3) For owners or operators of sources required to request approval for a nominal control efficiency for use in calculating credits for an emissions average, the information specified in § 63.150(i) of this subpart.

(4) If an owner or operator transfers for disposal a gas stream that has the characteristics specified in § 63.107(b) through (h) or meets the criteria specified in § 63.107(i) to an off-site location or an on-site location not owned or operated by the owner or operator of the source and the vent stream was not included in the information submitted with the Notification of Compliance Status or a previous periodic report, the owner or operator shall submit a supplemental report. The supplemental report shall be submitted no later than July 23, 2001 or with the next periodic report, whichever is later. The report shall provide the information listed in paragraphs (d)(4)(i) through (iv) of this section.

(i) The chemical manufacturing process unit(s) that is the origin of all or part of the vent stream that exits the process vent.

(ii) The type(s) of unit operations *(i.e.,* an air oxidation reactor, distillation unit, or reactor) that creates the vent stream that exits the process vent.

(iii) For a Group 2 process vent, the last recovery device, if any.

(iv) For a Group 1 process vent, the identity of the transferee.

(e) An owner or operator subject to this subpart shall submit the information specified in paragraphs (e)(1) through (e)(4) of this section with the operating permit application or as otherwise specified by the permitting authority. The owner or operator shall submit written updates as amendments to the operating permit application on the schedule and under the circumstances described in § 63.151(j) of this subpart. Notwithstanding, if the owner or operator has an operating permit under 40 CFR part 70 or 71, the owner or operator shall follow the schedule and format required by the permitting authority.

(1) The information specified in § 63.151 (f) or (g) of this subpart for any emission points for which the owner or operator requests approval to monitor a unique parameter or use an alternative monitoring and recording system, and

(2) The information specified in § 63.151(d) of this subpart for points included in an emissions average.

(3) The information specified in § 63.151(e) of this subpart for points not included in an emissions average.

(4) The information specified in § 63.151(h) as applicable.

(f) Owners or operators required to keep continuous records by §§ 63.118, 63.130, 63.147, 63.150, or other sections of this subpart shall keep records as specified in paragraphs (f)(1) through (f)(7) of this section, unless an alternative recordkeeping system has been requested and approved under § 63.151 (f) or (g) or § 63.152(e) or under § 63.8(f) of subpart A of this part, and except as provided in paragraph (c)(2)(ii)(C) of this section or in paragraph (g) of this section. If a monitoring plan for storage vessels pursuant to Sec. 63.120(d)(2)(i) requires continuous records, the monitoring plan shall specify which provisions, if any, of paragraphs (f)(1) through (f)(7) of this section apply.

(1) The monitoring system shall measure data values at least once every 15 minutes.

(2) The owner or operator shall record either:

(i) Each measured data value; or

(ii) Block average values for 15-minute or shorter periods calculated from all measured data values during each period or at least one measured data value per minute if measured more frequently than once per minute.

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(3) If the daily average value of a monitored parameter for a given operating day is within the range established in the Notification of Compliance Status or operating permit, the owner or operator shall either:

(i) Retain block hourly average values for that operating day for 5 years and discard, at or after the end of that operating day, the 15-minute or more frequent average values and readings recorded under paragraph (f)(2) of this section; or

(ii) Retain the data recorded in paragraph (f)(2) of this section for 5 years.

(4) If the daily average value of a monitored parameter for a given operating day is outside the range established in the Notification of Compliance Status or operating permit, the owner or operator shall retain the data recorded that operating day under paragraph (f)(2) of this section for 5 years.

(5) Daily average values of each continuously monitored parameter shall be calculated for each operating day, and retained for 5 years, except as specified in paragraphs (f)(6) and (f)(7) of this section.

(i) The daily average shall be calculated as the average of all values for a monitored parameter recorded during the operating day. The average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per operating day if operation is not continuous.

(ii) The operating day shall be the period defined in the operating permit or the Notification of Compliance Status. It may be from midnight to midnight or another daily period.

(6) If all recorded values for a monitored parameter during an operating day are within the range established in the Notification of Compliance Status or operating permit, the owner or operator may record that all values were within the range and retain this record for 5 years rather than calculating and recording a daily average for that operating day. For these operating days, the records required in paragraph (f)(3) of this section shall also be retained for 5 years.

(7) Monitoring data recorded during periods identified in paragraphs (f)(7)(i) through (f)(7)(v) of this section shall not be included in any average computed under this subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device operation when monitors are not operating.

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(ii) Start-ups;
(iii) Shutdowns;
(iv) Malfunctions;
(v) Periods of non-operation of the chemical manufacturing process unit (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(g) For any parameter with respect to any item of equipment, the owner or operator may implement the recordkeeping requirements in paragraph (g)(1) or (g)(2) of this section as alternatives to the continuous operating parameter monitoring and recordkeeping provisions listed in Secs. 63.114, 63.117, and 63.118 for process vents, Secs. 63.127, 63.129, and 63.130 for transfer operations, Secs. 63.143, 63.146, and 63.147 for wastewater, and/or Sec. 63.152(f), except that
Sec. 63.152(f)(7) shall apply. The owner or operator shall retain each record required by paragraph (g)(1) or (g)(2) of this section as provided in Sec. 63.103(c) of subpart F of this part, except as provided otherwise in paragraph (g)(1) or (g)(2) of this section.

(1) The owner or operator may retain only the daily average value, and is not required to retain more frequent monitored operating parameter values, for a monitored parameter with respect to an item of equipment, if the requirements of paragraphs (g)(1)(i) through (g)(1)(vi) of this section are met. An owner or operator electing to comply with the requirements of paragraph (g)(1) of this section shall notify the Administrator in the Notification of Compliance Status or, if the Notification of Compliance Status has already been submitted, in the periodic report immediately preceding implementation of the requirements of paragraph (g)(1) of this section.

(i) The monitoring system is capable of detecting unrealistic or impossible data during periods of operation other than startups, shutdowns, or malfunctions (e.g., a temperature reading of -200 deg. C on a boiler), and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day constitute a single occurrence.

(ii) The monitoring system generates, updated at least hourly throughout each operating day, a running average of the monitoring values that have been obtained during that operating day, and the capability to observe this average is readily available to the Administrator on-site during the operating day. The owner or operator shall record the occurrence of any period meeting the criteria in paragraphs (g)(1)(ii)(A) through (g)(1)(iii)(C) of this section. All instances in an operating day constitute a single occurrence.

(A) The running average is above the maximum or below the minimum established limits;

(B) The running average is based on at least 6 1-hour average values; and

(C) The running average reflects a period of operation other than a startup, shutdown, or malfunction.

(iii) The monitoring system is capable of detecting unchanging data during periods of operation other than startups, shutdowns, or malfunctions, except in circumstances where the presence of unchanging data is the expected operating condition based on past experience (e.g., pH in some scrubbers), and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day constitute a single occurrence.

(iv) The monitoring system will alert the owner or operator by an alarm or other means, if the running average parameter value calculated under paragraph (g)(1)(ii) of this section reaches a set point that is appropriately related to the established limit for the parameter that is being monitored.

(v) The owner or operator shall verify the proper functioning of the monitoring system, including its ability to comply with the requirements of paragraph (g)(1) of this section, at the times specified in paragraphs (g)(1)(v)(A) through (g)(1)(v)(C) of this section. The owner or operator shall document that the required verifications occurred.

(A) Upon initial installation.

(B) Annually after initial installation.

(C) After any change to the programming or equipment constituting the monitoring system, which might reasonably be expected to alter the monitoring system's ability to comply with the requirements of this section.

(vi) The owner or operator shall retain the records identified in paragraphs (g)(1)(vi) (A) through (C) of this section.

(A) Identification of each parameter, for each item of equipment, for which the owner or operator has elected to comply with the requirements of paragraph (g) of this section.

(B) A description of the applicable monitoring system(s), and of how compliance will be achieved with each requirement of paragraph (g)(1)(i) through (g)(1)(v) of this section. The description shall identify the location and format (e.g., on-line storage; log entries) for each required record. If the description changes, the owner or operator shall retain both the current and the most recent superseded description. The description, and the most recent superseded description, shall be retained as provided in Sec. 63.103(c) of subpart F of this part, except as provided in paragraph (g)(1)(vi)(D) of this section.

(C) A description, and the date, of any change to the monitoring system that would reasonably be expected to affect its ability to comply with the requirements of paragraph (g)(1) of this section.

(D) Owners and operators subject to paragraph (g)(1)(vi)(B) of this section shall retain the current description of the monitoring system as long as the description is current, but not less than 5 years from the date of its creation. The current description shall, at all times, be retained on-site or be accessible from a central location by computer or other means that provides access within 2 hours after a request. The owner or operator shall retain the most recent superseded description at least until 5 years from the date of its creation. The superseded description shall be retained on-site (or accessible from a central location by computer that provides access within 2 hours after a request) at least 6 months after its creation. Thereafter, the superseded description may be stored off-site.

(2) If an owner or operator has elected to implement the requirements of paragraph (g)(1) of this section, and a period of 6 consecutive months has passed without an excursion as defined in paragraph (g)(2)(iv) of this section, the owner or operator is no longer required to record the daily average value for that parameter for that unit of equipment, for any operating day when the daily average value is less than the maximum, or greater than the minimum established limit. With approval by the Administrator, monitoring data generated prior to the compliance date of this subpart shall be credited toward the period of 6 consecutive months, if the parameter limit and the monitoring was required and/or approved by the Administrator.

(i) If the owner or operator elects not to retain the daily average values, the owner or operator shall notify the Administrator in the next periodic report. The notification shall identify the parameter and unit of equipment.

(ii) If, on any operating day after the owner or operator has ceased recording daily averages as provided in paragraph (g)(2) of this section, there is an excursion as defined in paragraph (g)(2)(iv) of this section, the owner or operator shall immediately resume retaining the daily average value for each day, and shall notify the Administrator in the next periodic report. The owner or operator shall continue to retain each daily average value until another period of 6 consecutive months has passed without an excursion as defined in paragraph (g)(2)(iv) of this section.

(iii) The owner or operator shall retain the records specified in paragraphs (g)(1) (i), (ii), (iii), (iv), (v), and (vi) of this section. For any calendar week, if compliance with paragraphs (g)(1) (i), (ii), (iii), and (iv) of this section does not result in retention of a record of at least one occurrence or measured parameter value, the owner or operator shall record and retain at least one parameter value during a period of operation other than a startup, shutdown, or malfunction.

(iv) For purposes of paragraph (g) of this section, an excursion means that the daily average value of monitoring data for a parameter is greater than the maximum, or less than the minimum established value, except as provided in paragraphs (g)(2)(iv)(A) and (g)(2)(iv)(B)

of this section.

(A) The daily average value during any start-up, shutdown, or malfunction shall not be considered an excursion for purposes of this paragraph (g)(2), if the owner or operator follows the applicable provisions of the startup, shutdown, and malfunction plan required by Sec. 63.6(e)(3) of subpart A of this part.

(B) An excused excursion, as described in Sec. 63.152(c)(2)(ii) (B) and (C), shall not be considered an excursion for purposes of this paragraph (g)(2).

§ 63.153 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a 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 Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in Sec. Sec. 63.110, 63.112 through 63.113, 63.119, 63.126, 63.132 through 63.140, 63.148 through 63.149, and 63.150(i)(1) through (4). Follow the requirements in Sec. 63.121 to request permission to use an alternative means of emission limitation for storage vessels. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart.

(2) Approval of major alternatives to test methods under Sec. 63.7(e)(2)(ii) and (f), as defined in Sec. 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under Sec. 63.8(f), as defined in Sec. 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under Sec. 63.10(f), as defined in Sec. 63.90, and as required in this subpart.

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T ABLE 1. - **PROCESS VENTS** - COEFFICIENTS FOR TOTAL RESOURCE EFFECTIVENESS FOR **EXISTING** SOURCE NONHALOGENATED AND HALOGENATED VENT STREAMS

Type of Stream	Control Device Basis	Values of Coefficients			
		a	b	c	d
Nonhalogenated	Flare.....	1.935	3.660×10^{-1}	-7.687×10^{-3}	-7.333×10^{-4}
	Thermal Incinerator - 0 Percent Heat Recovery	1.492	6.267×10^{-2}	3.177×10^{-2}	-1.159×10^{-3}
	Thermal Incinerator - 70 Percent Heat Recovery	2.519	1.183×10^{-2}	1.300×10^{-2}	4.790×10^{-2}
Halogenated	Thermal Incinerator and Scrubber	3.995	5.200×10^{-2}	-1.769×10^{-3}	9.700×10^{-4}

T ABLE 2. - **PROCESS VENTS** - COEFFICIENTS FOR TOTAL RESOURCE EFFECTIVENESS FOR **NEW** SOURCE NONHALOGENATED AND HALOGENATED VENT STREAMS

Type of Stream	Control Device Basis	Values of Coefficients			
		a	b	c	d
Nonhalogenated	Flare	0.5276	0.0998	-2.096×10^{-3}	-2.000×10^{-4}
	Thermal Incinerator - 0 Percent Heat Recovery	0.4068	0.0171	8.664×10^{-3}	-3.162×10^{-4}
	Thermal Incinerator - 70 Percent Heat Recovery..	0.6868	3.209×10^{-3}	3.546×10^{-3}	1.306×10^{-2}
Halogenated	Thermal Incinerator and Scrubber	1.0895	1.417×10^{-2}	-4.822×10^{-4}	2.645×10^{-4}

TABLE 3. - PROCESS VENTS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Thermal Incinerator	Firebox temperature[b] [63.114(a)(1)(i)].	1. Continuous records[c]. 2. Record and report the firebox temperature averaged over the full period of the performance test NCS[d]. 3. Record the daily average firebox temperature for each operating day[e]. 4. Report all daily average temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f] - PR[g].
Catalytic incinerator	Temperature up-stream and down-stream of the catalyst bed [63.114(a)(1)(ii)].	1. Continuous records 2. Record and report the upstream and downstream temperatures and the temperature difference across the catalyst bed averaged over the full period of the performance test - NCS. 3. Record the daily average upstream temperature and temperature difference across catalyst bed for each operating day[e]. 4. Report all daily average upstream temperatures that are outside the range established in the NCS or operating permit - PR. 5. Report all daily average temperature differences across the catalyst bed that are outside the range established in the NCS or operating permit - PR. 6. Report all operating days when insufficient monitoring data are collected[f].
Boiler or process heater with a design heat input capacity less than 44 megawatts and vent stream is *not* introduced with or as the primary fuel.	Firebox temperature[b]. [63.114(a)(3)].	1. Continuous records. 2. Record and report the firebox temperature averaged over the full period of the performance test - NCS 3. Record the daily average firebox temperature for each operating day[e].

TABLE 3. - PROCESS VENTS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME - (Continued)

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
		4. Report all daily average firebox temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f] - PR.
Flare	Presence of a flame at the pilot light [63.114(a)(2)].	1. Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination - NCS. 3. Record the times and durations of all periods when all pilot flames are absent or the monitor is not operating. 4. Report the times and durations of all periods when all pilot flames of a flare are absent - PR
Recapture devices.....	The appropriate monitoring device indentified in table 4 when, in the table, the term "recapture" is substituted for "recovery." [63.114(a)(5)].	1. The recordkeeping and reporting requirements for monitored parameters identified for the appropriate monitoring device in table 4 of this subpart.
Scrubber for halogenated vent streams (Note: Controlled by a combustion device other than a flare)	pH of scrubber effluent [63.114(a)(4)(i)], and.	1. Continuous records. 2. Record and report the pH of the scrubber effluent averaged over the full period of the performance test - NCS. 3. Record the daily average pH of the scrubber effluent for each operating day[e]. 4. Report all daily average pH values of the scrubber effluent that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f] - PR.

TABLE 3. - PROCESS VENTS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME - (Continued)

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Scrubber for Halogenated Vent Streams (Note: Controlled by a combustion device other than a flare) (Continued).	Scrubber liquid and gas flow rates [63.114(a)(4)(ii)].	1. Continuous records of scrubber liquid flow rate. 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test - NCS. 3. Record the daily average scrubber liquid/gas ratio for each operating day[e]. 4. Report all daily average scrubber liquid/gas ratios that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f] - PR.
All Control Devices	Presence of flow diverted to the atmosphere from the control device [63.114(d)(1)] *or*.	1. Hourly records of whether the flow indicator was operating and whether diversion was detected at any time during each hour. 2. Record and report the times and durations of all periods when the vent stream is diverted through a bypass line or the monitor is not operating - PR.
	Monthly inspections of sealed valves [63.114(d)(2)].	1. Records that monthly inspections were performed. 2. Record and report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed - PR.

NOTES:

[a] Regulatory citations are listed in brackets.
[b] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.
[c] ‘‘Continuous records’’ is defined in § 63.111 of this subpart.
[d] NCS = Notification of Compliance Status described in § 63.152 of this subpart.
[e] The daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.
[f] The periodic reports shall include the duration of periods when monitoring data is not collected for each excursion as defined in § 63.152(c)(2)(ii)(A) of this subpart.
[g] PR = Periodic Reports described in § 63.152 of this subpart.

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TABLE 4. - PROCESS VENTS - MONITORING , RECORDKEEPING , AND REPORTING REQUIREMENTS FOR MAINTAINING A TRE INDEX VALUE >1.0 AND ≤ 4.0

Final recovery device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Absorber[b]	Exit temperature of the absorbing liquid [63.114(b)(1)], and	1. Continuous records.[c] 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the TRE determination - NCS.[d] 3. Record the daily average exit temperature of the absorbing liquid for each operating day.[e] 4. Report all the daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit - PR.[f]
	Exit specific gravity [63.114(b)(1)]	1. Continuous records. 2. Record and report the exit specific gravity averaged over the full full period of the TRE determination - NCS. 3. Record the daily average exit specific gravity for each operating day.[e] 4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit- PR.
Condenser[d]	Exit (product side) temperature [63.114(b)(2)]	1. Continuous records. 2. Record and report the exit temperature averaged over the full period of the TRE determination - NCS. 3. Record the daily average exit temperature for each operating day.[e] 4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit - PR.
Carbon adsorber[d]	Total regeneration stream mass or volumetric flow during carbon bed regeneration cycle(s) [63.114(b)(3)], and	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass or volumetric flow during each carbon bed regeneration cycle during the period of the TRE determination - NCS. 3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit - PR.
	Temperature of the carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)] [63.114(b)(3)].	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the carbon bed after each regeneration during the period of the TRE determination-NCS 3. Report all carbon bed regeneration cycles during which temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit - PR.

All recovery devices (as an alternative to the above)	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.114(b)].	1. Continuous records. 2. Record and report the concentration level or reading averaged over the full period of the TRE determination - NCS. 3. Record the daily average concentration level or reading for each operating day.[e] 4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit - PR.

NOTES:

[a] Regulatory citations are listed in brackets.
[b] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under ‘‘ All recovery devices. ’’
[c] ‘‘ Continuous records’’ is defined in § 63.111 of this subpart.
[d] NCS = Notification of Compliance Status described in § 63.152 of this subpart.
[e] The daily average is the average of all values recorded during the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.
[f] PR = Periodic Reports described in § 63.152 of this subpart.

TABLE 5. - GROUP 1 STORAGE VESSELS AT **EXISTING** SOURCES

Vessel capacity (cubic meters)	Vapor Pressure[1] (kilopascals)
75 ≤ capacity <151	≥ 13.1
151 ≤ capacity	≥ 5.2

[1] Maximum true vapor pressure of total organic HAP at storage temperature.

TABLE 6. - GROUP 1 STORAGE VESSELS AT **NEW** SOURCES

Vessel capacity (cubic meters)	Vapor pressure[a] (kilopascals)
38 ≤ capacity<151	≥13.1
151 ≤ capacity	≥ 0.7

[a] Maximum true vapor pressure of total organic HAP at storage temperature.

TABLE 7. - TRANSFER OPERATIONS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Thermal Incinerator	Firebox temperature[b] [63.127(a)(1)(i)].	1. Continuous records[c] during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test - NCS.[d] 3. Record the daily average firebox temperature for each operating day.[e] 4. Report daily average temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f] - Pr[g]
Catalytic Incinerator	Temperature upstream and downstream of the catalyst bed [63.127(a)(1)(ii)].	1. Continuous records during loading. 2. Record and report the upstream and downstream temperatures and the temperature difference across the catalyst bed averaged over the full period of the performance test - NCS. 3. Record the daily average upstream temperature and temperature difference across catalyst bed for each operating day.[e] 4. Report all daily average upstream temperatures that are outside the range established in the NCS or operating permit - PR. 5. Report all daily average temperature differences across the catalyst bed that are outside the range established in the NCS or operating permit - PR. 6. Report all operating days when insufficient monitoring data are collected.[f]
Boiler or process heater with a design heat input capacity less than 44 megawatts and vent stream is *not* introduced with or as the primary fuel.	Firebox temperature[b] [63.127(a)(3)].	1. Continuous records during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test - NCS. 3. Record the daily average firebox temperature for each operating day.[e] 4. Report all daily average firebox temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient data are collected[f] - PR.

TABLE 7. - TRANSFER OPERATIONS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME (Continued)

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Flare	Presence of a flame at the pilot light [63.127(a)(2)].	1. Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination - NCS. 3. Record the times and durations of all periods when all pilot flames are absent or the monitor is not operating. 4. Report the duration of all periods when all pilot flames of a flare are absent - PR.
Scrubber for halogenated vent streams (Note: Controlled by a combustion device other than a flare).	pH of scrubber effluent [63.127(a)(4)(i)], and.	1. Continuous records during loading. 2. Record and report the pH of the scrubber effluent averaged over the full period of the performance test - NCS. 3. Record the daily average pH of the scrubber effluent for each operating day.[e] 4. Report all daily average pH values of the scrubber effluent that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f] - PR.
	Scrubber liquid and gas flow rates [63.127(a)(4)(ii)].	1. Continuous records during loading of scrubber liquid flow rate. 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test - NCS. 3. Record the daily average scrubber liquid/gas ratio for each operating day.[e] 4. Report all daily average scrubber liquid/gas ratios that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f] -PR.

TABLE 7. - TRANSFER OPERATIONS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME (Continued)

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Absorber [h]	Exit temperature of the absorbing liquid [63.127(b)(1)], and	1. Continuous records during loading. 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the performance test - NCS. 3. Record the daily average exit temperature of the absorbing liquid for each operating day.[e] 4. Report all daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f] - PR.
	Exit specific gravity [63.127(b)(1)].	1. Continuous records during loading. 2. Record and report the exit specific gravity averaged over the full period of the performance test - NCS. 3. Record the daily average exit specific gravity for each operating day.[e] 4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f] - PR.
Condenser [h]	Exit (product side) temperature [63.127(b)(2)].	1. Continuous records during loading. 2. Record and report the exit temperature averaged over the full period of the performance test - NCS. 3. Record the daily average exit temperature for each operating day.[e] 4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f] - PR.

TABLE 7. - TRANSFER OPERATIONS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME (Continued)

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Carbon adsorber [h]	Total regeneration stream mass or volumetric flow during carbon bed regeneration cycle(s) [63.127(b)(3)], and	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass and volumetric flow during each carbon bed regeneration cycle during the period of the performance test - NCS. 3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f] - PR.
	Temperature of the carbon bed afterafter regeneration (and within 15 minutes of completing any cooling cycle(s)) [63.127(b)(3)].	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the carbon bed after each regeneration during the period of the performance test - NCS. 3. Report all the carbon bed regeneration cycles during which the temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f] - PR.
All recovery devices (as an alternative to the above).	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.127(b)].	1. Continuous records during loading. 2. Record and report the concentration level or reading averaged over the full period of the performance test - NCS. 3. Record the daily average concentration level or reading for each operating day.[d] 4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f] - PR.

TABLE 7. - TRANSFER OPERATIONS - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAP EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME (Continued)

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
All control devices and vapor balancing systems.	Presence of flow diverted to the atmosphere from the control device [63.127(d)(1)] *or*	1. Hourly records of whether the flow indicator was operating and whether a diversion was detected at any time during each hour. 2. Record and report the duration of all periods when the vent stream is diverted through a bypass line or the monitor is not operating - PR.
	Monthly inspections of sealed valves [63.127(d)(2)].	1. Records that monthly inspections were performed. 2. Record and report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed.

NOTES:

[a] Regulatory citations are listed in brackets.
[b] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.
[c] ‘‘Continuous records’’ is defined in § 63.111 of this subpart.
[d] NCS = Notification of Compliance Status described in § 63.152 of this subpart.
[e] The daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.
[f] The periodic reports shall include the duration of periods when monitoring data are not collected for each excursion as defined in § 63.152(c)(2)(ii)(A) of this subpart.
[g] PR = Periodic Reports described in § 63.152 of this subpart.
[h] Alternatively, these devices may comply with the organic monitoring device provisions listed near the end of this table under ‘‘All recovery devices.’’

TABLE 8. - ORGANIC HAPS SUBJECT TO THE WASTEWATER PROVISIONS FOR PROCESS UNITS AT **NEW** SOURCES

Chemical name	CAS No.[a]
Allyl chloride	107051
Benzene	71432
Butadiene (1,3-)	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Cumene	98828
Ethylbenzene	100414
Ethyl chloride (Chloroethane)	75003
Ethylidene dichloride (1,1-Dichloroethane).	75343
Hexachlorobutadiene	87683
Hexachloroethane	67721
Hexane	100543
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873
Phosgene	75445
Tetrachloroethylene (Perchloroethylene)	127184
Toluene	108883
Trichloroethane (1,1,1-) (Methyl chloroform)	71556
Trichloroethylene	79016
Trimethylpentane (2,2,4-)	540841
Vinyl chloride (chloroethylene)	75014
Vinylidene chloride (1,1-Dichloroethylene).	75354
Xylene (m-)	108383
Xylene (p-)	106423

[a] CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

Note. - The list of organic HAPS on table 8 is a subset of the list of organic HAPS on table 9 of this subpart.

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TABLE 9. - ORGANIC HAPS SUBJECT TO THE WASTEWATER PROVISIONS FOR PROCESS UNITS AT **NEW AND EXISTING** SOURCES AND CORRESPONDING FRACTION REMOVED (FR) VALUES

Chemical name	CAS No.[a]	Fr
Acetaldehyde	75070	0.95
Acetonitrile	75058	0.62
Acetophenone	98862	0.72
Acrolein	07028	0.96
Acrylonitrile	107131	0.96
Allyl chloride	107051	0.99
Benzene	71432	0.99
Benzyl chloride	100447	0.99
Biphenyl	92524	0.99
Bromoform	75252	0.99
Butadiene (1,3-)	106990	0.99
Carbon disulfide	75150	0.99
Carbon tetrachloride	56235	0.99
Chlorobenzene	108907	0.99
Chloroform	67663	0.99
Chloroprene (2-Chloro-1,3-butadiene)	126998	0.99
Cumene	98828	0.99
Dichlorobenzene (p-)	106467	0.99
Dichloroethane (1,2-) (Ethylene dichloride)	107062	0.99
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444	0.87
Dichloropropene (1,3-)	542756	0.99
Diethyl sulfate	64675	0.90
Dimethyl sulfate	77781	0.53
Dimethylaniline (N,N-)	121697	0.99
Dimethylhydrazine (1,1-)	57147	0.57
Dinitrophenol (2,4-)	51285	0.99
Dinitrotoluene (2,4-)	121142	0.38
Dioxane (1,4-) (1,4-Diethyleneoxide)	123911	0.37
Epichlorohydrin(1-Chloro-2,3-epoxypropane)	106898	0.91
Ethyl acrylate	140885	0.99
Ethylbenzene	100414	0.99
Ethyl chloride (Chloroethane)	75003	0.99
Ethylene dibromide (Dibromomethane)	106934	0.99
Ethylene glycol dimethyl ether	110714	0.90
Ethylene glycol monobutyl ether acetate	112072	0.76
Ethylene glycol monomethyl ether acetate	110496	0.28
Ethylene oxide	75218	0.98
Ethylidene dichloride (1,1-Dichloroethane)	75343	0.99
Hexachlorobenzene	118741	0.99
Hexachlorobutadiene	87683	0.99
Hexachloroethane	67721	0.99

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TABLE 9. - ORGANIC HAPS SUBJECT TO THE WASTEWATER PROVISIONS FOR PROCESS UNITS AT **NEW AND EXISTING** SOURCES AND CORRESPONDING FRACTION REMOVED (FR) VALUES (Continued)

Chemical name	CAS No.[a]	Fr
Hexane	110543	0.99
Isophorone	78591	0.60
Methanol	67561	0.31
Methyl bromide (Bromomethane)	74839	0.99
Methyl chloride (Chloromethane)	74873	0.99
Methyl ethyl ketone (2-Butanone)	78933	0.95
Methyl isobutyl ketone (Hexone)	108101	0.99
Methyl methacrylate	80626	0.98
Methyl tert-butyl ether	1634044	0.99
Methylene chloride (Dichloromethane)	75092	0.99
Naphthalene	91203	0.99
Nitrobenzene	98953	0.80
Nitropropane (2-)	79469	0.98
Phosgene	75445	0.99
Propionaldehyde	123386	0.99
Propylene dichloride (1,2-Dichloropropane)	78875	0.99
Propylene oxide	75569	0.99
Styrene	100425	0.99
Tetrachloroethane (1,1,2,2-)	79345	0.99
Tetrachloroethylene (Perchloroethylene)	127184	0.99
Toluene	108883	0.99
Toluidine (o-)	95534	0.44
Trichlorobenzene (1,2,4-)	120821	0.99
Trichloroethane (1,1,1-) (Methyl chloroform)	71556	0.99
Trichloroethane (1,1,2-) (Vinyl trichloride)	79005	0.99
Trichloroethylene	79016	0.99
Trichlorophenol (2,4,5-)	95954	0.96
Triethylamine	121448	0.99
Trimethylpentane (2,2,4-)	540841	0.99
Vinyl acetate	108054	0.99
Vinyl chloride (Chloroethylene)	75014	0.99
Vinylidene chloride (1,1-Dichloroethylene)	75354	0.99
Xylene (m-)	108383	0.99
Xylene (o-)	95476	0.99
Xylene (p-)	106423	0.99

[a] CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

TABLE 10. - WASTEWATER - COMPLIANCE OPTIONS FOR WASTEWATER TANKS

Capacity (m^3)	Maximum true vapor pressure (kPa)	Control requirements
<75	.....	§ 63.133(a)(1)
‘‘75 and <151	<13.1	§ 63.133(a)(1)
	’’13.1	§ 63.133(a)(2)
‘‘151	<5.2	§ 63.133(a)(1)
	’’5.2	§ 63.133(a)(2)

TABLE 11. - WASTEWATER - INSPECTION AND MONITORING REQUIREMENTS FOR WASTE MANAGEMENT UNITS

To comply with	Inspection or monitoring requirement	Frequency	Method
Tanks:			
63.133(b)(1)	Inspect fixed roof and all openings for leaks ..	Initially Semi-annually.	Visual.
63.133(c)	Inspect floating roof in accordance with §§ 63.120(a)(2) and (a)(3).	See § 63.120(a)(2) and (a)(3).	Visual.
63.133(d)	Measure floating roof seal gaps in accordance with §§ 63.120(b)(2)(i) through (b)(4). - Primary seal gaps ..... - Secondary seal gaps	 Once every 5 years. Annually.	See §63.120(b)(2)(i) through (b)(4).
63.133(f), 63.133(g)	Inspect wastewater tank for control equipment failures and improper work practices.	Initially Semi-annually	Visual.
Surface impoundments:			
63.134(b)(1)	Inspect cover and all openings for leaks	Initially Semi-annually	Visual.
63.134(c)	Inspect surface impoundment for control equipment failures and improper work practices.	Initially Semi-annually	Visual.
Containers:			
63.135(b)(1), 63.135(b)(2)(ii).	Inspect cover and all openings for leaks	Initially Semi-annually	Visual.
63.135(d)(1).	Inspect enclosure and all openings for leaks	Initially Semi-annually	Visual.
63.135(e)	Inspect container for control equipment failures and improper work practices.	Initially Semi-annually	Visual.

TABLE 11. - WASTEWATER - INSPECTION AND MONITORING REQUIREMENTS FOR WASTE MANAGEMENT UNITS (continued)

To comply with	Inspection or monitoring requirement	Frequency	Method
Individual drain systems [a] :			
63.136(b)(1)	Inspect cover and all openings to ensure there are no gaps, cracks, or holes.	Initially Semi-annually	Visual.
63.136(c)	Inspect individual drain system for control equipment failures and improper work practices.	Initially Semi-annually	Visual.
63.136(e)(1)	Verify that sufficient water is present to properly maintain integrity of water seals.	Initially Semi-annually	Visual.
63.136(e)(2), 63.136(f)(1)	Inspect all drains using tightly-sealed caps or plugs to ensure caps and plugs are in place and properly installed.	Initially Semi-annually	Visual.
63.136(f)(2)	Inspect all junction boxes to ensure covers are in place and have no visible gaps, cracks, or holes.	Initially Semi-annually	Visual.
63.136(f)(3)	Inspect unburied portion of all sewer lines for cracks and gaps.	Initially Semi-annually	Visual.
Oil-water separators:			
63.137(b)(1)	Inspect fixed roof and all openings for leaks	Initially, Semi-annually	Visual.
63.137(c)	Measure floating roof seal gaps in accordance with 40 CFR 60.696(d)(1).	Initially[b].....	See 40 CFR 60.696(d)(1).
	- Primary seal gaps	Once every 5 years.	
	- Secondary seal gaps	Initially[b] Annually.	
63.137(d)	Inspect oil-water separator for control equipment failures and improper work practices.	Initially, Semi-annually	Visual.

NOTES:

[a] As specified in § 63.136(a), the owner or operator shall comply with the requirements of either § 63.136(b) and (c) or § 63.136(e) and (f).

[b] Within 60 days of installation as specified in § 63.137(c).

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TABLE 12. - WASTEWATER - MONITORING REQUIREMENTS FOR TREATMENT PROCESSES

To comply with	Parameters to be monitored	Frequency	Methods
1. Required mass removal of Table 8 and/or Table 9 compound(s) from wastewater treated in a properly operated biological treatment unit. 63.138(f) & 63.138(g).	Appropriate parameters as specified in § 63.143(c) and approved by the permitting authority.	Appropriate frequency as specified in § 63.143 and as approved by permitting authority.	Appropriate methods as specified in § 63.143 and as approved by permitting authority.
2. Steam stripper	(i) steam flow rate	Continuously	Integrating steam flow monitoring device equipped with a continuous recorder.
	(ii)Wastewater feed mass flow rate; and	Continuously	Liquid flow meter installed at stripper influent and equipped with a continuous recorder.
	(iii)Wastewater feed temperature; or	Continuously	(A) Liquid temperature monitoring device installed at stripper influent and equipped with a continuous recorder.
	(iv) Column operating temperature		(B) Liquid temperature monitoring device installed in the column top tray liquid phase (i.e., at the downcomer) and equipped with a continuous recorder.
3. other treatment processes or alternative monitoring parameters to those listed in item 2 of this table.	Other parameters may be monitored upon approval from the Administrator in accordance with the requirements specified in § 63.151(f).		

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TABLE 13. - WASTEWATER - MONITORING REQUIREMENTS FOR CONTROL DEVICES

Control device	Monitoring equipment required	Parameters to be monitored	Frequency
All control devices	1. Flow indicator installed at all bypass lines to the atmosphere and equipped with continuous recorder [b] *or*.	1. Presence of flow diverted from the control device to the atmosphere *or*.	Hourly records of whether the flow indicator was operating and whether the flow was detected at any time during each hour.
	2. Valves sealed closed with car-seal or lock-and-key configuration.	2. Monthly inspections of sealed valves.	Monthly.
Thermal Incinerator	Temperature monitoring device installed in firebox or in ductwork immediately downstream of firebox [a] and equipped with a continuous recorder [b] .	Firebox temperature	Continuous.
Catalytic Incinerator	Temperature monitoring device installed in gas stream immediately before and after catalyst bed and equipped with a continuous recorder [b] .	1. Temperature upstream of catalyst bed *or*.	Continuous.
		2. Temperature difference across catalyst bed.	
Flare	Heat sensing device installed at the pilot light and equipped with a continuous recorder [b] .	Presence of a flame at the pilot light	Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour.
Boiler or	Temperature monitoring	Combustion	Continuous.

process heater <44 megawatts and vent stream is not mixed with the primary fuel.	device installed in firebox [a] and equipped with continuous recorder [b] .	temperature

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TABLE 13. - WASTEWATER - MONITORING REQUIREMENTS FOR CONTROL DEVICES (Continued)

Control device	Monitoring equipment required	Parameters to be monitored	Frequency
Condenser	Temperature monitoring device installed at condenser exit and equipped with continuous recorder [b] .	Condenser exit (product side) temperature.	Continuous.
Carbon adsorber (Regenerative).	Integrating regeneration stream flow monitoring device having an accuracy of ± 10 percent, *and*,	Total regeneration stream mass flow or volumetric flow during carbon bed regeneration cycle(s).	For each regeneration cycle, record the total regeneration stream. mass flow.
	Carbon bed temperature monitoring device	Temperature of carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)].	For each regeneration cycle and within 15 minutes of completing any cooling cycle, record the carbon bed temperature.
Carbon adsorber (Non-regenerative)	Organic compound concentration monitoring device [c]	Organic compound concentration of adsorber exhaust.	Daily or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater.
Alternative monitoring parameters.	Other parameters may be monitored upon approval from the Administrator in accordance with the requirements in § 63.143(e)(3).		

NOTES:

[a] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.
[b] ‘‘ Continuous recorder’’ is defined in § 63.111 of this subpart.
[c] As an alternative to conducting this monitoring, an owner or operator may replace the carbon in the carbon adsorption system with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and organic concentration in the gas stream vented to the carbon adsorption system.

TABLES 14a -14b [Reserved]

TABLE 15. - WASTEWATER - INFORMATION ON **TABLE 8 AND/OR 9 COMPOUNDS** TO BE SUBMITTED WITH NOTIFICATION OF COMPLIANCE STATUS FOR PROCESS UNITS AT **NEW AND/OR EXISTING** SOURCES [a,b]

Process unit identification code [c]	Stream identification code	Concentration of table 8 and/or table 9 compounds (ppmw)[d,e]	Flow rate (lpm)[e,f]	Group 1 or group 2[g]	Compliance approach[h]	Treatment process(es) identification	Waste management unit(s) identification	Intended control device

NOTES:

[a] The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.
[b] Other requirements for the Notification of Compliance Status are specified in § 63.152(b) of this subpart.
[c] Also include a description of the process unit (e.g., benzene process unit).
[d] Except when § 63.132(e) is used, annual average concentration as specified in § 63.132(c) or (d) and § 63.144.
[e] When § 63.132(e) is used, indicate the wastewater stream is a designated Group 1 wastewater stream.
[f] Except when § 63.132(e) is used, annual average flow rate as specified in § 63.132(c) or (d) and § 63.144.
[g] Indicate whether stream is Group 1 or Group 2. If Group 1, indicate whether it is Group 1 for Table 8 or Table 9 compounds or for both Table 8 and Table 9 compounds.
[h] Cite § 63.138 compliance option used.

TABLE 16 [Reserved]

TABLE 17. - WASTEWATER - INFORMATION FOR TREATMENT PROCESSES TO BE SUBMITTED WITH NOTIFICATION OF COMPLIANCE STATUS [a,b]

Treatment process identification [c]	Description [d]	Wastewater stream(s) treated [e]	Monitoring parameters [f]

NOTES:

[a] The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.
[b] Other requirements for the Notification of Compliance Status are specified in § 63.152(b) of this Subpart.
[c] Identification codes should correspond to those listed in Table 15.
[d] Description of treatment process.
[e] Stream identification code for each wastewater stream treated by each treatment unit. Identification codes should correspond to entries listed in Tables 15.
[f] Parameter(s) to be monitored or measured in accordance with Table 12 in § 63.143.

TABLE 18. - WASTEWATER - INFORMATION FOR WASTE MANAGEMENT UNITS TO BE SUBMITTED WITH NOTIFICATION OF COMPLIANCE STATUS [a,b]

Waste management unit identification [c]	Description [d]	Wastewater stream(s) received or managed [e]

NOTES:

[a] The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.
[b] Other requirements for the Notification of Compliance Status are specified in § 63.152(b) of this Subpart.
[c] Identification codes should correspond to those listed in Table 15.
[d] Description of waste management unit.
[e] Stream identification code for each wastewater stream received or managed by each waste management unit. Identification codes should correspond to entries listed in Table 15.

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TABLE 19. - WASTEWATER - INFORMATION ON RESIDUALS TO BE SUBMITTED WITH NOTIFICATION OF COMPLIANCE STATUS [a,b]

Control

Residual identification[c]	Residual description[d]	Wastewater stream identification[e]	Treatment process [f]	Fate [g]	device identification code	Control device description[h]	Control device efficiency [i]

NOTES:

[a] The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.
[b] Other requirements for the Notification of Compliance Status are specified in § 63.152(b) of this subpart.
[c] Name or identification code of residual removed from Group 1 wastewater stream.
[d] Description of residual (e.g., steam stripper A–13 overhead condensates).
[e] Identification of stream from which residual is removed.
[f] Treatment process from which residual originates.
[g] Indicate whether residual is sold, returned to production process, or returned to waste management unit or treatment process; or whether HAP mass of residual is destroyed by 99 percent.
[h] If the fate of the residual is such that the HAP mass is destroyed by 99 percent, give description of device used for HAP destruction.
[i] If the fate of the residual is such that the HAP mass is destroyed by 99 percent, provide an estimate of control device efficiency and attach substantiation in accordance with § 63.146(b)(9) of this subpart.

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TABLE 20. - WASTEWATER - PERIODIC REPORTING REQUIREMENTS FOR CONTROL DEVICES USED TO COMPLY WITH §§ 63.133 - 63.138

Control device	Reporting requirements
(1)Thermal incinerator	Report all daily average[a] temperatures that are outside the range established in the NCS[b] or operating permit and all operating days when insufficient monitoring data are collected[c]
(2) Catalytic incinerator	(i) Report all daily average [a] upstream temperatures that are outside the range established in the NCS[b] or operating permit (ii) Report all daily average [a] temperature differences across the catalyst bed that are outside the range established in the NCS[b] or operating permit (iii) Report all operating days when insufficient monitoring data are collected[c]
(3) Boiler or process heater with a design heat input capacity less than 44 megawatts and vent stream is not mixed with the primary fuel.	Report all daily average[a] firebox temperatures that are outside the range established in the NCS[b] or operating permit and all operating days when insufficient monitoring data are collected [c]
(4) Flare	Report the duration of all periods when the pilot flame is absent
(5) Condenser	Report all daily average[a] exit temperatures that are outside the range established in the NCS[b] or operating permit and all operating days when insufficient monitoring data are collected [c]
(6) Carbon adsorber (regenerative)	(i) Report all carbon bed regeneration cycles when the total regeneration stream mass flow or volumetric flow is outside the range established in the NCS [b] or operating permit (ii) Report all carbon bed regeneration cycles during which the temperature of the carbon bed after regeneration is outside the range established in the NCS[b] or operating permit (iii) Report all operating days when insufficient monitoring data are collected[c].
(7) Cargbon adsorber (non-regenerative)	(i) Report operating days when inspections not done according to the schedule developed as specified in table 13 of this subpart. (ii) Report all operating days when carbon has not been replaced at the frequency specified in table 13 of this subpart. (iii) Report all operating days when insufficient monitoring data are collected[c].

(8) All control devices	(i) Report the times and durations of all periods when the vent stream is diverted through a bypass line or the monitor is not operating, or (ii) Report all monthly inspections that show the valves are not moved to the diverting position or the seal has been changed

NOTES:

[a] The daily average is the average of all values recorded during the operating day, as specified in § 63.147(d) of this subpart.

[b] NCS = Notification of Compliance Status described in § 63.152 of this subpart.

[c] The periodic reports shall include the duration of periods when monitoring data are not collected for each excursion as defined in § 63.152(c)(2)(ii)(A) of this subpart.

TABLE 21. - AVERAGE STORAGE TEMPERATURE(Ts) AS A FUNCTION OF TANK PAINT COLOR

Tank Color	AverageStorageTemperature(Ts)
White	TA [a] + 0
Aluminum	TA + 2.5
Gray	TA + 3.5
Black	TA + 5.0

[a] TA is the average annual ambient temperature in degrees Fahrenheit.

TABLE 22. - PAINT FACTORS FOR FIXED ROOF TANKS

Tank color: Roof	Tank color: Shell	Paint factors (Fp) Paint Condition: Good	Poor
White	White	1.00	1.15
Aluminum (specular)	White	1.04	1.18
White	Aluminum (specular)	1.16	1.24
Aluminum (specular)	Aluminum (specular)	1.20	1.29
White	Aluminum (diffuse)	1.30	1.38
Aluminum (diffuse)	Aluminum (diffuse)	1.39	1.46
White	Gray	1.30	1.38
Light gray	Light gray	1.33	1.44
Medium gray	Medium gray	1.40	1.58

TABLE 23. - AVERAGE CLINGAGE FACTORS (C) [a]

Liquid	Shell condition: Light rust [b]	Dense rust	Gunite lined
Gasoline	0.0015	0.0075	0.15
Single component stocks	0.0015	0.0075	0.15
Crude oil	0.0060	0.030	0.60

[a] Units for average clingage factors are barrels per 1,000 square feet.
[b] If no specific information is available, these values can be assumed to represent the most common condition of tanks currently in use.

TABLE 24. - TYPICAL NUMBER OF COLUMNS AS A FUNCTION OF TANK DIAMETER FOR INTERNAL FLOATING ROOF TANKS WITH COLUMN SUPPORTED FIXED ROOFS [a]

Tank diameter range (D in feet)	Typical number of columns, (NC)
$0 < D \leq 85$	1
$85 < D \leq 100$	6
$100 < D \leq 120$	7
$120 < D \leq 135$	8
$135 < D \leq 150$	9
$150 < D \leq 170$	16
$170 < D \leq 190$	19
$190 < D \leq 220$	22
$220 < D \leq 235$	31
$235 < D \leq 270$	37
$270 < D \leq 275$	43
$275 < D \leq 290$	49
$290 < D \leq 330$	61
$330 < D \leq 360$	71
$360 < D \leq 400$	81

[a] Data in this table should not supersede information on actual tanks.

TABLE 25. - EFFECTIVE COLUMN DIAMETER (Fc)

Column type	Fc (feet)
9-inch by 7-inch built-up columns	1.1
8-inch-diameter pipe columns	0.7
No construction details known	1.0

TABLE 26. - SEAL RELATED FACTORS FOR INTERNAL FLOATING ROOF VESSELS

Seal type	K_S	n
Liquid mounted resilient seal:		
Primary seal only	3.0	0
With rim-mounted secondary seal [a]	1.6	0
Vapor mounted resilient seal:		
Primary seal only	6.7	0
With rim-mounted secondary seal [a]	2.5	0

[a] If vessel-specific information is not available about the secondary seal, assume only a primary seal is present.

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Table 27. - SUMMARY OF INTERNAL FLOATING DECK FITTING LOSS FACTORS (K_F) AND TYPICAL NUMBER OF FITTINGS (N_F)

Deck fitting type	Deck fitting loss factor (K_F)[a]	Typical number of fittings (N_F)
Access hatch	.....	1.
Bolted cover, gasketed.	1.6	
Unbolted cover, gasketed.	11	
Unbolted cover, ungasketed.	[b] 25	
Automatic gauge float well.	.....	1.
Bolted cover, gasketed.	5.1	
Unbolted cover, gasketed.	15	
Unbolted cover, ungasketed.	[b] 28	
Column well	.....	(see Table 24).
Builtup column-sliding cover, gasketed.	33	
Builtup column-sliding	[b] 47	10
Pipe column-flexible fabric sleeve seal.	19	
Pipe column-sliding cover, gasketed.	32	
Pipe column-sliding cover, ungasketed.		
Ladder well	.....	1.
Sliding cover, gasketed.	56	
Sliding cover, ungasketed.	[b] 76	
Roof leg or hanger well.	.....	$(5+D/10+D^2/600)$[c].
Adjustable	[b] 7.9	
Fixed	0	
Sample pipe or well.	.....	1.
Slotted pipe-sliding cover, gasketed.	44	
Slotted pipe-sliding cover, ungasketed.	57	
Sample well slit fabric seal, 10 percent open area.	[b] 12	
Stub drain, 1-in diameter [d] .	1.2	$(D^2/125)$ [c].
Vacuum breaker ...	.....	1.
Weighted mechanical actuation, gasketed.	[b] 0.7	
Weighted mechanical actuation, ungasketed.	0.9	

NOTES:

[a] Units for K_F are pound-moles per year.
[b] If no specific information is available, this value can be assumed to represent the most common/typical deck fittings currently used.
[c] D = Tank diameter (feet).
[d] Not used on welded contact internal floating decks.

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TABLE 28. - DECK SEAM LENGTH FACTORS[a] (S_D) FOR INTERNAL FLOATING ROOF TANKS

Deck construction	Typical deck seam length factor
Continuous sheet construction [b] :	
5-feet wide sheets	0.2 [c]
6-feet wide sheets	0.17
7-feet wide sheets	0.14
Panel construction [d] :	
5 x 7.5 feet rectangular	0.33
5 x 12 feet rectangular	0.28

[a] Deck seam loss applies to bolted decks only. Units for S_D are feet per square feet.
[b] $S_D = 1/W$, where W = sheet width (feet).
[c] If no specific information is available, these factors can be assumed to represent the most common bolted decks currently in use.
[d] $S_D = (L+W)/LW$, where W = panel width (feet), and L = panel length (feet).

TABLE 29. - SEAL RELATED FACTORS FOR EXTERNAL FLOATING ROOF VESSELS

	--Welded vessels--		--Riveted vessels--	
Seal type	K_S	N	K_S	N
Metallic shoe seal:				
Primary seal only	1.2	1.5	1.3	1.5
With shoe-mounted secondary seal	0.8	1.2	1.4	1.2
With rim-mounted secondary seal	0.2	1.0	0.2	1.6
Liquid mounted resilient seal:				
Primary seal only	1.1	1.0 [a]	NA	NA
With weather shield	0.8	0.9	NA	NA
With rim-mounted secondary seal	0.7	0.4	NA	NA
Vapor mounted resilient seal:				
Primary seal only	1.2	2.3	NA	NA
With weather shield	0.9	2.2	NA	NA
With rim-mounted secondary seal	0.2	2.6	NA	NA

[a] NA = Not applicable.

TABLE 30. - ROOF FITTING LOSS FACTORS , K_{Fa} , K_{Fb} , AND M,[a] AND TYPICAL NUMBER OF FITTINGS , N_T

Fitting type and construction details	Loss factors[b] K_{Fa} (lb-mole)/(yr)	K_{Fb} (lb-mole)/([mi/hr]^m-yr)	m (dimension-less)	Typical number of fittings, N_T
Access hatch (24-in-diameter well).....	.....	.....	.....	1.
Bolted cover, gasketed.....	0	0	[c]0	
Unbolted cover, ungasketed.....	2.7	7. 1	1.0	
Unbolted cover, gasketed.....	2.9	0. 41	1.0	
Unslotted guide-pole well (8-in-diameter unslotted pole, 21-in-diameter well)	.....	.....	.....	1.
Ungasketed sliding cover.....	0	67	[c]0.98	
Gasketed sliding cover	0	3.0	1.4	
Slotted guide-pole/sample well (8-in-diameter unslotted pole, 21-in-diameter well).....	.....	.....	.....	(d).
Ungasketed sliding cover, without float..	0	310	1.2	
Ungasketed sliding cover, with float...	0	29	2.0	
Gasketed sliding cover, without float.....	0	260	1.2	
Gasketed sliding cover, with float.....	0	8.5	1.4	
Gauge-float well (20-inch diameter).....	.....	.....	.....	1.
Unbolted cover, ungasketed.....	2.3	5.9	[c]1.0	
Unbolted cover, gasketed.....	2.4	0.34	1.0	
Bolted cover, gasketed.....	0	0	0	
Gauge-hatch/sample well (8-inch diameter).....	.....	.....	....	1.
Weighted mechanical actuation, gasketed.....	0.95	0.14	[c]1.0	
Weighted mechanical actuation, ungasketed.....	0.91	2.4	1.0	
Vacuum breaker (10-in-diameter well).....	.....	.....	....	N_{F6} (Table 31).
Weighted mechanical actuation, gasketed	1.2	0.17	[c]1.0	
Weighted mechanical actuation, ungasketed....	1.2	3.0	1.0	
Roof drain (3-in-diameter).....	.....	.....	.....	N_{F7} (Table 31).
Open	0	7.0	[e]1.4	N_{F8} (Table 32[f]).
90 percent closed.....	0.51	0.81	1.0	
Roof leg (3-in-diameter).....	.....	.....	.....	N_{F8} (Table 32[f]).
Adjustable, pontoon area.....	1.5	0.20	[c]1.0	
Adjustable, center area.....	0.25	0.067	[c]1.0	
Adjustable, double-deck roofs.....	0.25	0.067	1.0	
Fixed.....	0	0	0	
Roof leg (2 1/2-in-diameter).....	.....	.....	.....	N_{F8} (Table 32[f]).
Adjustable, pontoon area.....	1.7	0	0	
Adjustable, center area.....	0.41	0	0	
Adjustable, double-deck roofs.....	0.41	0	0	
Fixed.....	0	0	0	

TABLE 30. - ROOF FITTING LOSS FACTORS , K_{Fa} , K_{Fb} , AND M,[a] AND TYPICAL NUMBER OF FITTINGS , N_T (Continued)

Fitting type and construction details	Loss factors[b] K_{Fa} (lb-mole)/(yr)	K_{Fb} (lb-mole)/([mi/hr]^m-yr)	m (dimension-less)	Typical number of fittings, N_T
Rim vent (6-in-diameter).....	.....	.....	.....	1 g .
Weighted mechanical actuation, gasketed...	0.71	0.10	[c]1.0	
Weighted mechanical actuation, ungasketed...	0.68	1.8 1.0		

NOTES:

[a] The roof fitting loss factors, K_{Fa} , K_{Fb} , and m, may only be used for wind speeds from 2 to 15 miles per hour.
[b] Unit abbreviations are as follows: lb = pound; mi = miles; hr = hour; yr = year.
[c] If no specific information is available, this value can be assumed to represent the most common or typical roof fittings currently in use.
[d] A slotted guide-pole/sample well is an optional fitting and is not typically used.
[e] Roof drains that drain excess rainwater into the product are not used on pontoon floating roofs. They are, however, used on double-deck floating roofs and are typically left open.
[f] The most common roof leg diameter is 3 inches. The loss factors for 2 1/2-inch diameter roof legs are provided for use if this smaller size roof is used on a particular floating roof.
[g] Rim vents are used only with mechanical-shoe primary seals.

TABLE 31. - TYPICAL NUMBER OF VACUUM BREAKERS, N_{F6} AND ROOF DRAINS,[a] N_{F7}

Tank diameter D (feet)[b]	No.of vacuum breakers, N_{F6}: Pontoon roof	Double-deck roof	No. of roof drains, N_{F7} double-deck roof[c]
50	1	1	1
100	1	1	1
150	2	2	2
200	3	2	3
250	4	3	5
300	5	3	7
350	6	4	[d]
400	7	4	[d]

[a] This table should not supersede information based on actual tank data.
[b] If the actual diameter is between the diameters listed, the closest diameter listed should be used. If the actual diameter is midway between the diameters listed, the next larger diameter should be used.
[c] Roof drains that drain excess rainwater into the product are not used on pontoon floating roofs. They are, however, used on double-deck floating roofs, and are typically left open.
[d] For tanks more than 300 feet in diameter, actual tank data or the manufacturer's recommendations may be needed for the number of roof drains.

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TABLE 32. - TYPICAL NUMBER OF ROOF LEGS,[a] N_{F8}

Tank diameter D (feet)[b]	--------Pontoon roof -------- No. of pontoon legs	No. of center legs	No. of legs on double-deck roof
30	4	2	6
40	4	4	7
50	6	6	8
60	9	7	10
70	13	9	13
80	15	10	16
90	16	12	20
100	17	16	25
110	18	20	29
120	19	24	34
130	20	28	40
140	21	33	46
150	23	38	52
160	26	42	58
170	27	49	66
180	28	56	74
190	29	62	82
200	30	69	90
210	31	77	98
220	32	83	107
230	33	92	115
240	34	101	127
250	34	109	138
260	36	118	149
270	36	128	162
280	37	138	173
290	38	148	186
300	38	156	200
310	39	168	213
320	39	179	226
330	40	190	240
340	41	202	255
350	42	213	270
360	44	226	285
370	45	238	300
380	46	252	315
390	47	266	330
400	48	281	345

[a] This table should not supersede information based on actual tank data.
[b] If the actual diameter is between the diameters listed, the closest diameter listed should be used. If the actual diameter is midway between the diameters listed, the next larger diameter should be used.

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TABLE 33. - SATURATION FACTORS

Cargo carrier	Mode of operation	S factor

Tank trucks and rail tank cars ...	Submerged loading of a clean cargo tank		0.50
	Submerged loading: dedicated normal service.....	0.60	
	Submerged loading: dedicated vapor balance service.....		1.00
	Splash loading of a clean cargo tank	1.45	
	Splash loading: dedicated normal service	1.45	
	Splash loading: dedicated vapor balance service	1.00	

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TABLE 34. - FRACTION MEASURED (F_m) AND FRACTION EMITTED (F_e) FOR HAP COMPOUNDS IN WASTEWATER STREAMS

Chemical name	CAS Number[a]	F_m	F_e

Acetaldehyde	75070	1.00	0.48
Acetonitrile	75058	0.99	0.36
Acetophenone	98862	0.31	0.14
Acrolein	107028	1.00	0.43
Acrylonitrile	107131	1.00	0.43
Allyl chloride	107051	1.00	0.89
Benzene	71432	1.00	0.80
Benzyl chloride	100447	1.00	0.47
Biphenyl	92524	0.86	0.45
Bromoform	75252	1.00	0.49
Butadiene (1,3-)	106990	1.00	0.98
Carbon disulfide	75150	1.00	0.92
Carbon tetrachloride	56235	1.00	0.94
Chlorobenzene	108907	1.00	0.73
Chloroform	67663	1.00	0.78
Chloroprene (2-Chloro-1,3-butadiene)	126998	1.00	0.68
Cumene	98828	1.00	0.88
Dichlorobenzene (p-)	106467	1.00	0.72
Dichloroethane (1,2-) (Ethylene dichloride)	107062	1.00	0.64
Dichloroethyl ether (Bis(2-Chloroethyl ether))	111444	0.76	0.21
Dichloropropene (1,3-)	542756	1.00	0.76
Diethyl sulfate	64675	0.0025	0.11
Dimethyl sulfate	77781	0.086	0.079
Dimethylaniline (N,N-)	121697	0.00080	0.34
Dimethylhydrazine (1,1-)	57147	0.38	0.054
Dinitrophenol (2,4-)	51285	0.0077	0.060
Dinitrotoluene (2,4-)	121142	0.085	0.18
Dioxane (1,4-) (1,4-Diethyleneoxide)	123911	0.87	0.18
Epichlorohydrin(1-Chloro-2,3-epoxypropane)	106898	0.94	0.35
Ethyl acrylate	140885	1.00	0.48
Ethylbenzene.	100414	1.00	0.83
Ethyl chloride (Chloroethane)	75003	1.00	0.90
Ethylene dibromide (Dibromomethane)	106934	1.00	0.57
Ethylene glycol dimethyl ether	110714	0.86	0.32
Ethylene glycol monobutyl ether acetate	112072	0.043	0.067
Ethylene glycol monomethyl ether acetate	110496	0.093	0.048
Ethylene oxide	75218	1.00	0.50
Ethylidene dichloride (1,1-Dichloroethane)	75343	1.00	0.79
Hexachlorobenzene	118741	0.97	0.64
Hexachlorobutadiene	87683	0.88	0.86
Hexachloroethane	67721	0.50	0.85
Hexane	110543	1.00	1.00

TABLE 34. - FRACTION MEASURED (F_m) AND FRACTION EMITTED (F_e) FOR HAP COMPOUNDS IN WASTEWATER STREAMS (Continued)

Chemical name	CAS Number[a]	F_m	F_e

Isophorone	78591		0.51	0.11	
Methanol	67561		0.85	0.17	
Methyl bromide (Bromomethane)	74839		1.00	0.85	
Methyl chloride (Chloromethane)	74873		1.00	0.84	
Methyl ethyl ketone (2-Butanone)	78933		0.99	0.48	
Methyl isobutyl ketone (Hexone)	108101	0.98	0.53		
Methyl methacrylate	80626		1.00	0.37	
Methyl tert-butyl ether	1634044		1.00	0.57	
Methylene chloride (Dichloromethane)	75092		1.00		0.77
Naphthalene	91203		0.99	0.51	
Nitrobenzene	98953		0.39	0.23	
Nitropropane (2-)	79469		0.99	0.44	
Phosgene	75445		1.00	0.87	
Propionaldehyde	123386		1.00	0.41	
Propylene dichloride (1,2-Dichloropropane)	78875		1.00		0.72
Propylene oxide	75569		1.00	0.60	
Styrene	100425	1.00	0.80		
Tetrachloroethane (1,1,2,2-)	79345		1.00	0.46	
Tetrachloroethylene (Perchloroethylene)	127184		1.00	0.92	
Toluene	108883	1.00	0.80		
Toluidine (o-)	95534		0.15	0.052	
Trichlorobenzene (1,2,4-)	120821		1.00	0.64	
Trichloroethane (1,1,1-) (Methyl chloroform)	71556		1.00		0.91
Trichloroethane (1,1,2-) (Vinyl Trichloride)	79005		1.00	0.60	
Trichloroethylene	79016		1.00	0.87	
Trichlorophenol (2,4,5-)	95954		0.11	0.086	
Triethylamine	121448	1.00	0.38		
Trimethylpentane (2,2,4-)	540841	1.00	1.00		
Vinyl acetate	108054	1.00	0.59		
Vinyl chloride (Chloroethylene)	75014		1.00	0.97	
Vinylidene chloride (1,1-Dichloroethylene)	75354		1.00		0.94
Xylene (m-)	108383	1.00	0.82		
Xylene (o-)	95476		1.00	0.79	
Xylene (p-)	106423	1.00	0.82		

[a] CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

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TABLE 35. - CONTROL REQUIREMENTS FOR ITEMS OF EQUIPMENT THAT MEET THE CRITERIA OF SEC. 63.149 OF SUBPART G

Item of equipment	Control requirement [a]
Drain or drain hub	(a) Tightly fitting solid cover (TFSC); or

(b) TFSC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of Sec. 63.139(c);

or

(c) Water seal with submerged discharge or barrier to protect discharge from wind.

Manhole [b]..... (a) TFSC; or

(b) TSFC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of Sec. 63.139(c);

or

(c) If the item is vented to the atmosphere, use a TFSC with a properly operating water seal at the entrance or exit to the item to restrict ventilation in the collection system. The vent pipe shall be at least 90 cm in length and not exceeding 10.2 cm in nominal inside diameter.

Lift station..... (a) TFSC; or

(b) TFSC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of Sec. 63.139(c);

or

(c) If the lift station is vented to the atmosphere, use a TFSC with a properly operating water seal at the entrance or exit to the item to restrict ventilation in the collection system. The vent pipe shall be at least 90 cm in length and not exceeding 10.2 cm in nominal inside diameter. The lift station shall be level controlled to minimize changes in the liquid level.

Trench..... (a) TFSC; or

(b) TFSC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of Sec. 63.139(c);

or

(c) If the item is vented to the atmosphere, use a TFSC with a properly operating water seal at the entrance or exit to the item to restrict ventilation in the collection system. The vent pipe shall be at least 90 cm in length and not exceeding 10.2 cm in nominal inside diameter.

Pipe..... Each pipe shall have no visible gaps in joints, seals, or other emission interfaces.

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TABLE 35. - CONTROL REQUIREMENTS FOR ITEMS OF EQUIPMENT THAT MEET THE CRITERIA OF SEC. 63.149 OF SUBPART G (CONTINUED)

Item of equipment	Control requirement [a]
Oil/Water separator.....	(a) Equip with a fixed roof and route vapors to a process or to a fuel gas system, or equip with a closed vent system that routes

vapors to a control device meeting the requirements of Sec. 63.139(c); or
(b) Equip with a floating roof that meets the equipment specifications of Sec. 60.693 (a)(1)(i), (a)(1)(ii), (a)(2), (a)(3), and (a)(4).

Tank [c]..... Maintain a fixed roof.[d] If the tank is sparged [e] or used for heating or treating by means of an exothermic reaction, a fixed roof and a system shall be maintained that routes the organic hazardous air pollutants vapors to other process equipment or a fuel gas system, or a closed vent system that routes vapors to a control device that meets the requirements of 40 CFR Sec. 63.119 requirements of 40 CFR Sec. 63.119(e)(1) or (e)(2).

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[a] Where a tightly fitting solid cover is required, it shall be maintained with no visible gaps or openings, except during periods of sampling, inspection, or maintenance.
[b] Manhole includes sumps and other points of access to a conveyance system.
[c] Applies to tanks with capacities of 38 m\3\ or greater.
[d] A fixed roof may have openings necessary for proper venting of the tank, such as pressure/vacuum vent, j-pipe vent.
[e] The liquid in the tank is agitated by injecting compressed air or gas.

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TABLE 36. - COMPOUND LISTS USED FOR COMPLIANCE DEMONSTRATIONS FOR ENHANCED BIOLOGICAL TREATMENT PROCESSES (SEC. 63.145(H))

List 1	List 2
Acetonitrile.	Acetaldehyde.
Acetophenone.	Acrolein.
Acrylonitrile.	Allyl Chloride.
Biphenyl.	Benzene.

List 1	List 2
Chlorobenzene.	Benzyl Chloride.
Dichloroethyl Ether.	Bromoform.
Diethyl Sulfate.	Bromomethane.
Dimethyl Sulfate.	Butadiene 1,3.
Dimethyl Hydrazine 1,1.	Carbon Disulfide.
Dinitrophenol 2,4.	Carbon Tetrachloride.
Dinitrotoluene 2,4.	Chloroethane (ethyl chloride).
Dioxane 1,4.	Chloroform.
Ethylene Glycol Monobutyl Ether Acetate.	Chloroprene.
Ethylene Glycol Monomethyl Ether Acetate.	Cumene (isopropylbenzene).
Ethylene Glycol Dimethyl Ether.	Dibromoethane 1,2.
Hexachlorobenzene.	Dichlorobenzene 1,4.
Isophorone.	Dichloroethane 1,2.
Methanol.	Dichloroethane 1,1 (ethylidene dichloride).
Methacrylate.	Dichloroethene 1,1 (vinylidene chloride)
Nitrobenzene.	Dichloropropane 1,2.
Toluidine.	Dichloropropene 1,3.
Trichlorobenzene 1,2,4.	Dimethylaniline N,N.
Trichlorophenol 2,4,6.	Epichlorohydrin.
Triethylamine.	Ethyl Acrylate.
	Ethylbenzene.
	Ethylene Dibromide.
	Ethylene Oxide.
	Hexachlorobutadiene.
	Hexachloroethane.
	Hexane-n.
	Methyl Ethyl Ketone, (2 butanone).
	Methyl Isobutyl Ketone.
	Methyl Tertiary Butyl Ether.
	Methyl Chloride.
	Methylene Chloride (dichloromethane).
	Naphathalene.
	Nitropropane 2.
	Phosgene.
	Propionaldehyde.
	Propylene Oxide.
	Styrene.
	Tetrachloroethane 1,1,2,2.
	Toluene.
	Trichloroethane 1,1,1 (methyl chloroform).
	Trichloroethane 1,1,2.
	Trichloroethylene.
	Trimethylpentane 2,2,4.

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TABLE 36. - COMPOUND LISTS USED FOR COMPLIANCE DEMONSTRATIONS FOR ENHANCED BIOLOGICAL TREATMENT PROCESSES (SEC. 63.145(H))

Vinyl Acetate.
Vinyl Chloride.
Xylene-m.
Xylene-o.
Xylene-p.

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TABLE 37. - DEFAULT BIORATES FOR LIST 1 COMPOUNDS

Compound name	Biorate, K1 L/g MLVSS-hr
ACETONITRILE	0.100
ACETOPHENONE	0.538
ACRYLONITRILE	0.750
BIPHENYL	5.643
CHLOROBENZENE	10.000
DICHLOROETHYL ETHER	0.246
DIETHYL SULFATE	0.105
DIMETHYL HYDRAZINE(1,1)	0.227
DIMETHYL SULFATE	0.178
DINITROPHENOL 2,4	0.620
DINITROTOLUENE(2,4)	0.784
DIOXANE(1,4)	0.393
ETHYLENE GLYCOL DIMETHYL ETHER	0.364
ETHYLENE GLYCOL MONOMETHYL ETHER ACETATE	0.159
ETHYLENE GLYCOL MONOBUTYL ETHER ACETATE	0.496
HEXACHLOROBENZENE	16.179
ISOPHORONE	0.598
METHANOL	0.200
METHYL METHACRYLATE	4.300
NITROBENZENE	2.300
TOLUIDINE (-0)	0.859
TRICHLOROBENZENE 1,2,4	4.393
TRICHLOROPHENOL 2,4,5	4.477
TRIETHYLAMINE	1.064

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FIGURE 1. - DEFINITIONS OF TERMS USED IN WASTEWATER EQUATIONS

Main Terms

AMR = Actual mass removal of Table 8 and/or Table 9 compounds achieved by treatment process or a series of treatment processes, kg/hr.
C = Concentration of Table 8 and/or Table 9 compounds in wastewater, ppmw.
CG = Concentration of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, dry basis, ppmv.
CG_c = Concentration of TOC or organic hazardous air pollutants corrected to 3-percent oxygen, in vented gas stream, dry basis, ppmv.
CGS = Concentration of sample compounds in vented gas stream, dry basis, ppmv.
E = Removal or destruction efficiency, percent.
F_{bio} = Site-specific fraction of Table 8 and/or Table 9 compounds biodegraded, unitless.
f_{bio} = Site-specific fraction of an individual Table 8 or Table 9 compound biodegraded, unitless.
Fm = Compound-specific fraction measured factor, unitless (listed in table 34).
Fr = Fraction removal value for Table 8 and/or Table 9 compounds, unitless (listed in Table 9).
Fr_{avg} = Flow-weighted average of the Fr values.
i = Identifier for a compound.
j = Identifier for a sample.
k = Identifier for a run.
K_2 = Constant, $41.57 * 10^{-9}$, $(ppm)^{-1}$ (gram-mole per standard m^3) (kg/g), where standard temperature (gram-mole per standard m3) is 20 deg.C.
m = Number of samples.
M = Mass, kg.
MW = Molecular weight, kg/kg-mole.
n = Number of compounds.
p = Number of runs.
$\%O_{2d}$ = Concentration of oxygen, dry basis, percent by volume.
Q = Volumetric flowrate of wastewater, m^3/hr.
QG = Volumetric flow rate of vented gas stream, dry standard, m^3/min.
QMG = Mass flowrate of TOC (minus methane and ethane) or organic hazardous air pollutants, in vented gas stream, kg/hr.
QMW = Mass flowrate of Table 8 and/or Table 9 compounds in wastewater, kg/hr.
ρ = Density, kg/m^3.
RMR = Required mass removal achieved by treatment process or a series of treatment processes, kg/hr.
t_T = Total time of all runs, hr.

Subscripts

a = Entering.
b = Exiting.
i = Identifier for a compound.
j = Identifier for a sample.
k = Identifier for a run.
m = Number of samples.
n = Number of compounds.
p = Number of runs.
T = Total; sum of individual.

Attachment to Subpart G- General Provisions to Subpart F, G, and H to Subpart F

§ 63.1 Applicability.

(a) *General.*

(1) Terms used throughout this part are defined in § 63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in § 63.2. **Overlap clarified in Sec. 63.101, 63.111, 63.161.**

(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. **Sec. 63.110 and 63.160(b) of subparts G and H identify which standards are overridden.**

(4) **Subpart F specifies applicability of each paragraph in subpart A to Subparts F, G, and H.**

(5) [Reserved]

(6) **[Reserved]**

(7) [Reserved]

(8) [Reserved]

(9) [Reserved]

(10) **Subpart F, G, and H specify calendar or operating day.**

(11) **Subpart F Sec. 63.103(d) specifies acceptable methods for submitting reports.**

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

(13) [Reserved]

(14) [Reserved]

(b) *Initial applicability determination for this part.*

(1) **Subpart F specifies applicability**

(2) [Reserved]

(3) **[Reserved]**

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

(1) Subpart F specifies applicability

(2) Area Sources are not subject to subparts F, G, and H.

(3) [Reserved]

(4) [Reserved]

(5) **Subpart G and H specify applicable notification requirements**

(d) [Reserved]

(e) **Subparts F, G, and H established before permit program.**

§ 63.2 Definitions.

Subpart F Sec. 63.101(a) specifies those subpart A definitions that apply to the HON, Subpart F definition of “source” is equivalent to subpart A definition of “affected source.”

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

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

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

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

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

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

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

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in 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 non-compliance 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 enforceable" by EPA;

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

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

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

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

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

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

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

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

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

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," and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for

which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term "new affected source," which will be the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

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

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

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

(7) Feasibility and cost of monitoring; and

(8) Other relevant factors.

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

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).

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 means the replacement of components of an affected or a previously unaffected stationary source to such an extent that:

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

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

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

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

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

Responsible official means one of the following:

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

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

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

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

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

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

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

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

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

Standard conditions means a temperature of 293 ^{o}K (68° F) and a pressure of 101.3 kilopascals (29.92 in. Hg).

Startup means the setting in operation 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.

§ 63.3 Units and abbreviations.

Units of Measure are spelled out in subparts F, G, and H.

§ 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) [Reserved]

(4) [Reserved]

(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

(3) [Reserved]

(c) *Severability*. Notwithstanding any requirement incorporated into a title V permit obtained by an owner or operator subject to the provisions of this part, the provisions of this part are federally enforceable.

§ 63.5 Preconstruction review and notification requirements.

(a) *Applicability.*

(1) This section implements the preconstruction review requirements of section 112(i)(1) for sources subject to a relevant emission standard that has been promulgated in this part. In addition, this section includes other requirements for constructed and reconstructed stationary sources that are or become subject to a relevant promulgated emission standard. **Except the terms "source" and "stationary source" in Sec. 63.5(a)(1) should be interpreted as having the same meaning as "affected source".**

(2) After the effective date of a relevant standard promulgated under this part, the requirements in this section apply to owners or operators who construct a new source or reconstruct a source after the proposal date of that standard. New or reconstructed sources that start up before the standard's effective date are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

(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. **Except Sec. 63.100(l) defines when construction or reconstruction is subject to standards for new sources.**

(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 § 63.9(b). **Except the cross reference to Sec. 63.9(b) is limited to 63.9(b)(4) and (5). Subpart F overrides 63.9(b)(1) and (3).**

(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. **Except Sec. 63.100(l) defines when construction or reconstruction is subject to standards for new sources.**

(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) **For subpart F, see Sec. 63.151(b)(2)(ii) and (2)(iii) for the applicability and timing of this submittal; for subpart H, see Sec. 63.182(b)(2)(ii) and (b)(2)(iii) for applicability and timing of this submittal.**

(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 § 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) **[Reserved]**

(I) [Reserved]

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

(iii) **Subpart G requires submittal of the Notification of Compliance Status in Sec. 63.152(b); subpart H specifies requirements in Sec. 63.182(c).**

(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*. **[Not applicable for subpart H, except Sec. 63.5(d)(3)(ii) does not apply to subpart G.** 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 re-placements 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 § 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). **Except the cross-reference to Sec. 63.5(d)(1) is changed to Sec. 63.151(b)(2)(ii) of subpart G and to Sec. 63.182(b)(2)(ii) of subpart H. The cross-reference to Sec. 63.5(b)(2) does not apply.**

§ 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 § 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) **[Reserved]**

(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 stringent" must include control technologies or performance criteria and compliance or compliance assurance methods that are different but are substantially equivalent to those required by the promulgated rule, as determined by the Administrator (or his or her authorized representative); and

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

(4) **May apply when standards are proposed under Section 112(f) of the Clean Air Act.**
(5) **Subparts G and H include notification requirements.**
(6) [Reserved]
(7) **[Reserved]**

(c) *Compliance dates for existing sources*.
(1) **Subpart F specifies the compliance dates for subparts G and H.**
(2) **[Reserved]**
(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.* **Except as otherwise specified for individual paragraphs. Does not apply to Group 2 emission points unless they are included in an emissions average.**
(1) (i) **This addressed by Sec. 63.102(a)(4).**
(i) 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. –**For subpart H, the startup, shutdown, and malfunction plan requirement of Sec. 63.6(e)(3)(i) is limited to control devices subject to the provisions of subpart H and is optional for other equipment subject to subpart H. The startup, shutdown and malfunction plan may include written procedures that identify conditions that justify a delay of repair.**
(A) **This addressed by Sec. 63.102(a)(4).**
(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) **Recordkeeping and reporting are specified in Sec. 63.103(c)(2) of subpart F and Sec 63.152(d)(1) of subpart G.**

(iv) **Recordkeeping and reporting are specified in Sec. 63.103(c)(2) of subpart F and Sec 63.152(d)(1) of subpart G.**

(v) **Record retention requirements are specified in Sec. 63.103(c).**

(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;**Except the plan must provide for operation in compliance with Sec. 63.102(a)(4).**

(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 § 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 § 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*. **Sec. 63.102(a) for subpart F specifies when the standard applies.**

(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 § 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 § 63.6(e) and applicable subparts of this part. **Sec. 63.152(c)(2) of subpart G specifies the use of monitoring data in determining compliance with subpart G. [Not applicable for subpart H]**

(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 § 63.7(e) of this subpart; and

(D) **[Reserved]**

(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*.

Procedures specified in Sec. 63.102(b) of Subpart F.

(h) *Compliance with opacity and visible emission standards* -

[Reserved]

(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*. For **subpart G, Sec. 63.151(a)(6) specifies procedures; for subpart H, Sec. 63.182(a)(6)(i) specifies procedures.**

(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) **Dates are specified in Sec. 63.151(a)(6)(i) of subpart G and Sec. 63.182(a)(6)(i) of subpart H.**

(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) **[Reserved]**

(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;

(C) [Reserved]

(D) [Reserved]

(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.

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.*

(1) **Subparts F, G, and H specify required testing and compliance demonstration procedures.**

(2) **For Subpart G, test results must be submitted in the Notification of Compliance Status due 150 days after compliance date, as specified in Sec. 63.152(b); for subpart H, all test results subject to reporting are reported in periodic reports.**

(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.*

[Reserved]

(c) *Quality assurance program.*

[Reserved]

(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 § 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 § 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 § 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) **Subparts F, G, and H specify applicable methods and provide alternatives.**

(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* -

Subparts F, G, and H specify test methods and procedures.

(g) *Data analysis, recordkeeping, and reporting.*

Performance test reporting specified in Sec. 63.152(b); for subpart G; Not applicable to subpart H because no performance test required by subpart H.

(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. **Sec. 63.103(b)(5) of subpart F specifies provisions for requests to waive performance tests.**

(4) Approval of request to waive performance test. **[Reserved]**

(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.

§ 63.8 Monitoring requirements.

(a) *Applicability.*

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

(2) **[Reserved]**

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in § 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 § 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 § 63.90(a) for definition).

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

(2) **Subparts G and H specify locations to conduct monitoring.**

(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 § 63.6(e)(1).

(ii) **For subpart G, submit as part of periodic report required by Sec. 63.152 ©; for subpart H, retain as required by Sec. 63.181(g)(2)(ii).**

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

(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 § 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) **Subpart G specifies monitoring frequency by kind of emission point and control technology used (e.g. Sec. 63.111, Sec. 63.120(d)(2) and Sec. 63.152(f)); subpart H does not require use of continuous monitoring systems.**

(5)-(8) [Reserved]

(d) *Quality control program.*

[Reserved]

(e) *Performance evaluation of continuous monitoring systems* -

[Reserved]

(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 § 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.* **Timeframe for submitting request specified in Sec. 63.151(f) or (g) of subpart G; not applicable to subpart H because subpart h specifies acceptable alternative methods.**

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

(iii) **[Reserved]**

(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) **[Reserved]**

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

(6) Alternative to the relative accuracy test. **Subparts G and H do not require continuous emission monitoring.**

(g) *Reduction of monitoring data.* **Data reduction procedures specified in Sec. 63.152(f) and (g) of subpart G; not applicable to subpart H.**

§ 63.9 Notification requirements.

(a) *Applicability and general information*.

(1) The applicability of this section is set out in § 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 § 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) **Specified in Sec. 63.151(b)(2) of Subpart G; in Sec. 63.182(b) of subpart H.**

(2) **Initial Notification provisions are specified in Sec. 63.151(b) of Subpart G; in Sec. 63.182(b) of subpart H.**

(3) [Reserved]

(4) **Except that the notification in Sec. 63.9(b)(4)(i) shall be submitted at the time specified in Sec. 63.151(b)(2)(ii) of subpart G; in Sec. 63.182(b)(2) of subpart H.** The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under § 63.5(d) must provide the following information in writing to the Administrator:

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

(ii) [Reserved]

(iii) [Reserved]

(iv) [Reserved]; and

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

(5) **Except that the notification in Sec. 63.9(b)(5) shall be submitted at the time specified in Sec. 63.151(b)(2)(ii) of subpart G; in Sec. 63.182(b)(2) of subpart H.** The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under § 63.5(d) must provide the following information in writing to the Administrator:

(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 § 63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in § 63.5(d)(1)(i).

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

(d) *Notification that source is subject to special compliance requirements*. An owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and § 63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) *Notification of performance test*. **[Reserved]**

(f) *Notification of opacity and visible emission observations*. **[Reserved]**

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

[Reserved]

(h) *Notification of compliance status.*

Sec. 63.152(b) of subpart G and 63.182(c) of subpart H specify Notification of Compliance Status requirements.

(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*. **[Reserved]**

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information*.

(1) The applicability of this section is set out in § 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 § 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 § 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 § 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 § 63.9(i).

(b) *General recordkeeping requirements*.

(1) **Sec. 63.103(c) of subpart F specifies record retention requirements.**

(2) **Sec. 63.103(c) of subpart F specifies required records.**

(3) *Recordkeeping requirement for applicability determinations.* **[Reserved]**

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems*.

[Reserved]

(d) *General reporting requirements*.

(1) **[Reserved]**

(2) *Reporting results of performance tests*. **Sec. 152.(b) of subpart G specifies record retention requirements.**

(3) *Reporting results of opacity or visible emission observations.* **[Reserved]**

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

(5) (i) Periodic startup, shutdown, and malfunction reports. **Except that reports required by Sec. 63.10(d)(5) shall be submitted at the time specified in Sec. 63.152(d) of subpart G and in Sec. 63.182(d) in Subpart H.** 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 Sec. 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 Sec. 63.9(i).

(e) *Additional reporting requirements for sources with continuous monitoring systems* -

[Reserved]

(f) *Waiver of recordkeeping or reporting requirements.*

(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator’s judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of record-keeping or reporting is made, the application shall accompany the request for an extension of compliance under § 63.6(i), any required compliance progress report or compliance status report required under this part (such as under § 63.6(i) and § 63.9(h)) or in the source’s title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(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.

§ 63.11 Control device requirements.

(a) *Applicability*. The applicability of this section is set out in Sec. 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 V_{max}, as determined by the following equation:

$$V_{max} = (X_{H2} - K_1) * K_2$$

Where:

V_{max} = Maximum permitted velocity, m/sec.

K_1 = Constant, 6.0 volume-percent hydrogen.

K_2 = Constant, 3.9 (m/sec)/volume-percent hydrogen.

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in § 63.14).

(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 MJ/scm (200 Btu/scf) or greater if the flare 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 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C.
K = Constant = 1.740×10^{-7} (1/ppmv)(g-mole/scm)(MJ/kcal); where the standard temperature for (g-mole/scm) is 20 °C.
C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946–77 or 90 (Reapproved 1994) (incorporated by reference as specified in § 63.14).
H_i = Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809-95. (incorporated by reference as specified in § 63.14) if published values are not available or cannot be calculated.
n = Number of sample components.

(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 V_{max}, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

$$\mathrm{Log}_{10}(V_{max})=(H_T+28.8)/31.7$$

Where:
V_{max} = Maximum permitted velocity, m/sec.
28.8 = Constant.
31.7 = Constant.
H_T = 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 V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$$V_{max} = 8.71 + 0.708(H_T)$$

Where:
V_{max} = Maximum permitted velocity, m/sec.
8.71 = Constant.
0.708 = Constant.
H_T = The net heating value as determined in paragraph (b)(6)(ii) of this section.

§ 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.

§ 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 as follows:

EPA Region IV; Director; Air, Pesticides and Toxics, Management Division; Atlanta Federal Center, 61 Forsyth Street; Atlanta, GA 30303.

(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.

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, 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.

(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 § 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 § 63.788, Appendix A.

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 63.11(b)(6).

(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for § 63.788, Appendix A.

(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for § 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 § 63.111 of Subpart G.

(9) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for § 63.786(b).

(10) ASTM 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for § 63.365(e)(1) of Subpart O.

(11) ASTM D3792-91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for § 63.788, Appendix A.

(12) ASTM D3912-80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 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 § 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 § 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 § 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 § 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 § 63.786(b).

(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b)(2) and 63.786(b)(5).

(19) Reserved

(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 § 63.5350.

(24) ASTM D2697-86(1998) (Reapproved 1998), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, IBR approved for §§63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(25) ASTM D6093-97, Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, IBR approved for §§63.4141(b)(1), 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 §§ 63.4141(b)(3) and 63.4141(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 Sec. 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 §§ 63.5799 and 63.5850.

(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 § 63.111 of subpart G of this part.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for § 63.150(g)(3)(i)(C) of subpart G of this part.

(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 § 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 § 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 § 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 § 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 § 63.99(a)(8)(ii)-(v) 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 § 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 § 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 § 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 § 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 § 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 § 63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for § 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 § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus -- P2O5 or Ca3(PO4)2, Method A-Volumetric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method C -- Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method A -- Volumetric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method C -- Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(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," IBR approved for Sec. 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," IBR approved for Sec. 63.1206(c)(6)(iii).

(3) ANSI/ASME PTC 19.10-1981, ``Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]," IBR approved for Sec. Sec. 63.865(b), 63.3360(e)(1)(iii), 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 63.9323(a)(3).

(j) [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," (Revision 2, April 1998) as published in EPA Publication SW-846: ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." The incorporation by reference of Method 9071B is approved for Section 63.7824(e) of Subpart FFFFF of this part.

§ 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.

{Last updated 6/25/03}

Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

§ 63.160 Standards: Applicability
§ 63.161 Standards: Definitions
§ 63.162 Standards: General;
§ 63.163 Standards: Pumps in light liquid service;
§ 63.164 Standards: Compressors;
§ 63.165 Standards: Pressure relief devices in gas/vapor service;
§ 63.166 Standards: Sampling connection systems;
§ 63.167 Standards: Open-ended valves or lines;
§ 63.168 Standards: Valves in gas/vapor service and in light liquid service;
§ 63.169 Standards: Pumps, valves, connectors, and agitators in heavy liquid service; instrumentation systems; and pressure relief devices in liquid service;
§ 63.170 Standards: Surge control vessels and bottoms receivers;
§ 63.171 Standards: Delay of repair;
§ 63.172 Standards: Closed-vent systems and control devices;
§ 63.173 Standards: Agitators in gas/vapor service and in light liquid service;
§ 63.174 Standards: Connectors in gas/vapor service and in light liquid service;
§ 63.175 Quality improvement program for valves;
§ 63.176 Quality improvement program for pumps;
§ 63.177 Alternative means of emission limitation: General;
§ 63.178 Alternative means of emission limitation: Batch processes;
§ 63.179 Alternative means of emission limitation: Enclosed-vented process units;
§ 63.180 Test methods and procedures;
§ 63.181 Recordkeeping requirements;
§ 63.182 Reporting requirements.
§63.183 Implementation and enforcement.

Tables and Appendix

Table 1 to Subpart H- Batch Processes
Table 2 to Subpart H- Surge Control Vessels and Bottom Receivers at Existing Sources
Table 3 to Subpart H- Surge Control Vessels and Bottom Receivers at New Sources
Appendix to Subpart H- General Provisions for Subpart F, G, and H

§ 63.160 Applicability and designation of source.

(a) The provisions of this subpart apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR part 63 that references this subpart.

(b) After the compliance date for a process unit, equipment to which this subpart applies that are also subject to the provisions of:

(1) 40 CFR part 60 will be required to comply only with the provisions of this subpart.

(2) 40 CFR part 61 will be required to comply only with the provisions of this subpart.

(c) If a process unit subject to the provisions of this subpart has equipment to which this subpart does not apply, but which is subject to a standard identified in paragraph (c)(1), (c)(2), or (c)(3) of this section, the owner or operator may elect to apply this subpart to all such equipment in the process unit. If the owner or operator elects this method of compliance, all VOC in such equipment shall be considered, for purposes of applicability and compliance with this subpart, as if it were organic hazardous air pollutant (HAP). Compliance with the provisions of this subpart, in the manner described in this paragraph, shall be deemed to constitute compliance with the standard identified in paragraph (c)(1), (c)(2), or (c)(3) of this section.

(1) 40 CFR part 60, subpart VV, GGG, or KKK;

(2) 40 CFR part 61, subpart F or J; or

(3) 40 CFR part 264, subpart BB or 40 CFR part 265, subpart BB.

(4) [Reserved]

(d) The provisions in § 63.1(a)(3) of subpart A of this part do not alter the provisions in paragraph (b) of this section.

(e) Except as provided in any subpart that references this subpart, lines and equipment not containing process fluids are not subject to the provisions of this subpart. Utilities, and other non-process lines, such as heating and cooling systems which do not combine their materials with those in the processes they serve, are not considered to be part of a process unit.

(f) The provisions of this subpart do not apply to research and development facilities or to bench-scale batch processes, regardless of whether the facilities or processes are located at the same plant site as a process subject to the provisions of this subpart.

(g) Alternative means of compliance.

(1) Option to comply with part 65. Owners or operators of CMPU that are subject to § 63.100 may choose to comply with the provisions of 40 CFR part 65 for all Group 1 and Group 2 process vents, Group 1 storage vessels, Group 1 transfer operations, and equipment that are subject to § 63.100, that are part of the CMPU. Other provisions applying to an owner or operator who chooses to comply with 40 CFR part 65 are provided in 40 CFR 65.1.

(i) For equipment, 40 CFR part 65 satisfies the requirements of §§ 63.102m 63.10, 63.162 through 63.182. When choosing to comply with 40 CFR part 65, the requirements of § 63.180(d) continue to apply.

(ii) For Group 1 and Group 2 process vents, Group 1 storage vessels, and Group 1 transfer operation, comply with § 63.110(i)(1).

(2) Part 65, subpart C or F. For owners or operators choosing to comply with 40 CFR part 65, each surge control vessel and bottoms receiver subject to § 63.100 that meets the conditions specified in table 2 or table 3 of this subpart shall meet the requirements for storage vessels in 40 CFR part 65, subpart C; all other equipment subject to § 63.100 shall meet the requirements in 40 CFR part 65, subpart F.

(3) Part 63, subpart A. Owners or operators who choose to comply with 40 CFR part 65, subpart C or F, for equipment subject to § 63.100 must also comply with te applicable general provisions of this part 63 listed in table 4 of this subpart. All sections and paragraphs of subpart A of this part that are not mentioned in Table 4 of this subpart do not apply to owners or operators of equipment subject to § 63.100 of subpart F complying with 40 CFR part 65, subpart C or F, except that provisions required to be met prior to implementing 40 CFR part 65 still

apply. Owners or operators who choose to comply with 40 CFR part 65, subpart C or F, must comply with 40 CFR part 65, subpart A.

§ 63.161 Definitions.

All terms used in this subpart shall have the meaning given them in the Act and in this section as follows, except as provided in any subpart that references this subpart.

Batch process means a process in which the equipment is fed intermittently or discontinuously. Processing then occurs in this equipment after which the equipment is generally emptied. Examples of industries that use batch processes include pharmaceutical production and pesticide production.

Batch product-process equipment train means the collection of equipment (e.g., connectors, reactors, valves, pumps, etc.) configured to produce a specific product or intermediate by a batch process.

Bench-scale batch process means a batch process (other than a research and development facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top. This bench-scale equipment will typically include reagent feed vessels, a small reactor and associated product separator, recovery and holding equipment. These processes are only capable of producing small quantities of product.

Bottoms receiver means a tank that collects distillation bottoms before the stream is sent for storage or for further downstream processing.

Closed-loop system means an enclosed system that returns process fluid to the process and is not vented to the atmosphere except through a closed-vent system.

Closed-purge system means a system or combination of system and portable containers, to capture purged liquids. Containers must be covered or closed when not being filled or emptied.

Closed-vent system means a system that is not open to the atmosphere and that is composed of hard-piping, ductwork, connections and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device or back into a process.

Combustion device means an individual unit of equipment, such as a flare, incinerator, process heater, or boiler, used for the combustion of organic hazardous air pollutant emissions.

Compliance date means the dates specified in § 63.100(k) or § 63.100(l)(3) of subpart F of this part for process units subject to subpart F of this part; the dates specified in § 63.190(e) of subpart I of this part for process units subject to subpart I of this part. For sources subject to other subparts in 40 CFR part 63 that reference this subpart, compliance date will be defined in those subparts. However, the compliance date for § 63.170 shall be no later than 3 years after the effective date of those subparts unless otherwise specified in such other subparts.

Connector means flanged, screwed, or other joined fittings used to connect two pipe lines or a pipe line and a piece of equipment. A common connector is a flange. Joined fittings welded completely around the circumference of the interface are not considered connectors for the purpose of this regulation. For the purpose of reporting and recordkeeping, connector means joined fittings that are not inaccessible, glass, or glass-lined as described in § 63.174(h) of this subpart.

Control device means any equipment used for recovering, recapturing, or oxidizing organic hazardous air pollutant vapors. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, flares, boilers, and process heaters.

Double block and bleed system means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Duct work means a conveyance system such as those commonly used for heating and ventilation systems. It is often made of sheet metal and often has sections connected by screws or crimping. Hard-piping is not ductwork.

Equipment means each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems required by this subpart.

First attempt at repair means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere, followed by monitoring as specified in §63.180(b) and (c), as appropriate, to verify whether the leak is repaired, unless the owner or operator determines by other means that the leak is not repaired.

Flow indicator means a device which indicates whether gas flow is, or whether the valve position would allow gas flow to be, present in a line.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in in-process combustion equipment such as furnaces and gas turbines, either singly or in combination.

Hard-piping means pipe or tubing that is manufactured and properly installed using good engineering judgement and standards, such as ANSI B31–3.

In food/medical service means that a piece of equipment in organic hazardous air pollutant service contacts a process stream used to manufacture a Food and Drug Administration regulated product where leakage of a barrier fluid into the process stream would cause any of the following:

(1) A dilution of product quality so that the product would not meet written specifications,

(2) An exothermic reaction which is a safety hazard,

(3) The intended reaction to be slowed down or stopped, or

(4) An undesired side reaction to occur.

In gas/vapor service means that a piece of equipment in organic hazardous air pollutant service contains a gas or vapor at operating conditions.

In heavy liquid service means that a piece of equipment in organic hazardous air pollutant service is not in gas/vapor service or in light liquid service.

In light liquid service means that a piece of equipment in organic hazardous air pollutant service contains a liquid that meets the following conditions:

(1) The vapor pressure of one or more of the organic compounds is greater than 0.3 kilopascals at 20 °C,

(2) The total concentration of the pure organic compounds constituents having a vapor pressure greater than 0.3 kilopascals at 20 °C is equal to or greater than 20 percent by weight of the total process stream, and

(3) The fluid is a liquid at operating conditions.

NOTE: Vapor pressures may be determined by the methods described in 40 CFR 60.485(e)(1).

In liquid service means that a piece of equipment in organic hazardous air pollutant service is not in gas/vapor service.

In organic hazardous air pollutant or *in organic*

HAP service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP's as determined according to the

provisions of § 63.180(d) of this subpart. The provisions of § 63.180(d) of this subpart also specify how to determine that a piece of equipment is not in organic HAP service.

In vacuum service means that equipment is operating at an internal pressure which is at least 5 kilopascals below ambient pressure.

In volatile organic compound or *in VOC service* means, for the purposes of this subpart, that:

(1) The piece of equipment contains or contacts a process fluid that is at least 10 percent VOC by weight (see 40 CFR 60.2 for the definition of VOC, and 40 CFR 60.485(d) to determine whether a piece of equipment is not in VOC service); and

(2) The piece of equipment is not in heavy liquid service as defined in 40 CFR 60.481.

In-situ sampling systems means nonextractive samplers or in-line samplers.

Initial start-up means the first time a new or reconstructed source begins production. Initial start-up does not include operation solely for testing equipment. Initial start-up does not include subsequent start-ups (as defined in this section) of process units following malfunctions or process unit shutdowns.

Instrumentation system means a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow, etc.). Valves and connectors are the predominant type of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches and smaller, and connectors nominally 0.75 inches and smaller in diameter are considered instrumentation systems for the purposes of this subpart. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with instrumentation systems are not considered part of instrumentation systems and must be monitored individually.

Liquids dripping means any visible leakage from the seal including dripping, spraying, misting, clouding, and ice formation. Indications of liquid dripping include puddling or new stains that are indicative of an existing evaporated drip.

Nonrepairable means that it is technically infeasible to repair a piece of equipment from which a leak has been detected without a process unit shutdown.

On-site or *On site* means, with respect to records required to be maintained by this subpart, that the records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the chemical manufacturing process unit to which the records pertain, or storage in central files elsewhere at the major source.

Open-ended valve or line means any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping.

Plant site means all contiguous or adjoining property that is under common control, including properties that are separated only by a road or other public right-of-way. Common control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination thereof.

Polymerizing monomer means a molecule or compound usually containing carbon and of relatively low molecular weight and simple structure (e.g., hydrogen cyanide, acrylonitrile, styrene), which is capable of conversion to polymers, synthetic resins, or elastomers by combination with itself due to heat generation caused by a pump mechanical seal surface, contamination by a seal fluid (e.g., organic peroxides or chemicals that will form organic peroxides), or a combination of both with the resultant polymer buildup causing rapid mechanical seal failure.

Pressure release means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device. This release can be one release or a series of releases over a short time period due to a malfunction in the process.

Pressure relief device or valve means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment. A common pressure relief device is a spring-loaded pressure relief valve. Devices that are actuated either by a pressure of less than or equal to 2.5 psig or by a vacuum are not pressure relief devices.

Process unit means a chemical manufacturing process unit as defined in subpart F of this part, a process subject to the provisions of subpart I of this part, or a process subject to another subpart in 40 CFR part 63 that references this subpart.

Process unit shutdown means a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours is not a process unit shutdown. An unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown, is not a process unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not process unit shutdowns.

Recapture device means an individual unit of equipment capable of and used for the purpose of recovering chemicals, but not normally for use, reuse, or sale. Recapture devices include, but are not limited to, absorbers, carbon absorbers, and condensers.

Recovery device means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for fuel value (i.e., net positive heating value), use, reuse, or for sale for fuel value, use or reuse. Recovery devices include, but are not limited to, absorbers, carbon absorbers, and condensers. For purposes of the monitoring, recordkeeping, and reporting requirements of this subpart, recapture devices are considered recovery devices.

Repaired means that equipment:

(1) Is adjusted, or otherwise altered, to eliminate a leak as defined in the applicable sections of this subpart, and

(2) Unless otherwise specified in applicable provisions of this subpart, is monitored as specified in § 63.180 (b) and (c), as appropriate, to verify that emissions from the equipment are below the applicable leak definition.

Routed to a process or route to a process means the emissions are conveyed by hard-piping or a closed vent system to any enclosed portion of a process unit where the emissions are predominately recycled and/or consumed in the same manner as a material that fulfills the same function in the process; and/or transformed by chemical reaction into materials that are not organic hazardous air pollutants; and/or incorporated into a product; and/or recovered.

Sampling connection system means an assembly of equipment within a process unit used during periods of representative operation to take samples of the process fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

Screwed connector means a threaded pipe fitting where the threads are cut on the pipe wall and the fitting requires only two pieces to make the connection (i.e., the pipe and the fitting).

Sensor means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

Set pressure means the pressure at which a properly operating pressure relief device begins to open to relieve atypical process system operating pressure.

Start-up means the setting in operation of a piece of equipment or a control device that is subject to this subpart.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a process unit (as defined in the specific subpart that references this subpart) when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

§ 63.162 Standards: General.

(a) Compliance with this subpart will be determined by review of the records required by § 63.181 of this subpart and the reports required by § 63.182 of this subpart, review of performance test results, and by inspections.

(b) (1) An owner or operator may request a determination of alternative means of emission limitation to the requirements of §§ 63.163 through 63.170, and §§ 63.172 through 63.174 of this subpart as provided in § 63.177.

(2) If the Administrator makes a determination that a means of emission limitation is a permissible alternative to the requirements of §§ 63.163 through 63.170, and §§ 63.172 through 63.174 of this subpart, the owner or operator shall comply with the alternative.

(c) Each piece of equipment in a process unit to which this subpart applies shall be identified such that it can be distinguished readily from equipment that is not subject to this subpart. Identification of the equipment does not require physical tagging of the equipment. For example, the equipment may be identified on a plant site plan, in log entries, or by designation of process unit boundaries by some form of weatherproof identification.

(d) Equipment that is in vacuum service is excluded from the requirements of this subpart.

(e) Equipment that is in organic HAP service less than 300 hours per calendar year is excluded from the requirements of §§ 63.163 through 63.174 of this subpart and § 63.178 of this subpart if it is identified as required in § 63.181(j) of this subpart.

(f) When each leak is detected as specified in §§ 63.163 and 63.164; §§ 63.168 and 63.169; and §§ 63.172 through 63.174 of this subpart, the following requirements apply:

(1) Clearly identify the leaking equipment.

(2) The identification on a valve may be removed after it has been monitored as specified in §§ 63.168(f)(3), and 63.175(e)(7)(i)(D) of this subpart, and no leak has been detected during the follow-up monitoring. If the owner or operator elects to comply using the provisions of §63.174(c)(1)(i) of this subpart, the identification on a connector may be removed after it is monitored as specified in § 63.174(c)(1)(i) and no leak is detected during that monitoring.

(3) The identification which has been placed on equipment determined to have a leak, except for a valve or for a connector that is subject to the provisions of § 63.174(c)(1)(i), may be removed after it is repaired.

(g) Except as provided in paragraph (g)(1) of this section, all terms in this subpart that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annual), refer to the standard calendar periods unless specified otherwise in the section or subsection that imposes the requirement.

(1) If the initial compliance date does not coincide with the beginning of the standard calendar period, an owner or operator may elect to utilize a period beginning on the compliance date, or may elect to comply in accordance with the provisions of paragraphs (g)(2) or (g)(3) of this section.

(2) Time periods specified in this subpart for completion of required tasks may be changed by mutual agreement between the owner or operator and the Administrator, as specified in subpart A of this part. For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(3) Except as provided in paragraph (g)(1) or (g)(2) of this section, where the period specified for compliance is a standard calendar period, if the initial compliance date does not coincide with the beginning of the calendar period, compliance shall be required according to the schedule specified in paragraphs (g)(3)(i) or (g)(3)(ii) of this section, as appropriate.

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(4) In all instances where a provision of this subpart requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during each period, provided the task is conducted at a reasonable interval after completion of the task during the previous period.

(h) In all cases where the provisions of this subpart require an owner or operator to repair leaks by a specified time after the leak is detected, it is a violation of this subpart to fail to take action to repair the leaks within the specified time. If action is taken to repair the leaks within the specified time, failure of that action to successfully repair the leak is not a violation of this subpart. However, if the repairs are unsuccessful, a leak is detected and the owner or operator shall take further action as required by applicable provisions of this subpart.

§ 63.163 Standards: Pumps in light liquid service.

(a) The provisions of this section apply to each pump that is in light liquid service.

(1) The provisions are to be implemented on the dates specified in the specific subpart in 40 CFR part 63 that references this subpart in the phases specified below:

(i) For each group of existing process units at existing sources subject to the provisions of subparts F or I of this part, the phases of the standard are:

(A) Phase I, beginning on the compliance date;

(B) Phase II, beginning no later than 1 year after the compliance date; and

(C) Phase III, beginning no later than 2 years after the compliance date.

(ii) For new sources subject to the provisions of subparts F or I of this part, the applicable phases of the standard are:

(A) After initial start-up, comply with the Phase II requirements; and

(B) Beginning no later than 1 year after initial start-up, comply with the Phase III requirements.

(2) The owner or operator of a source subject to the provisions of subparts F or I of this part may elect to meet the requirements of a later phase during the time period specified for an earlier phase.

(3) Sources subject to other subparts in 40 CFR part 63 that reference this subpart shall comply on the dates specified in the applicable subpart.

(b) (1) The owner or operator of a process unit subject to this subpart shall monitor each pump monthly to detect leaks by the method specified in § 63.180(b) of this subpart and shall comply with the requirements of paragraphs (a) through (d) of this section, except as provided in § 63.162(b) of this subpart and paragraphs (e) through (j) of this section.

(2) The instrument reading, as determined by the method as specified in § 63.180(b) of this subpart, that defines a leak in each phase of the standard is:

(i) For Phase I, an instrument reading of 10,000 parts per million or greater.

(ii) For Phase II, an instrument reading of 5,000 parts per million or greater.

(iii) For Phase III, an instrument reading of:

(A) 5,000 parts per million or greater for pumps handling polymerizing monomers;

(B) 2,000 parts per million or greater for pumps in food/medical service; and

(C) 1,000 parts per million or greater for all other pumps.

(3) Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. If there are indications of liquids dripping from the pump seal,
a leak is detected.

(c) (1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in paragraph (c)(3) of this section or § 63.171 of this subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected. First attempts at repair include, but are not limited to, the following practices where practicable:

(i) Tightening of packing gland nuts.

(ii) Ensuring that the seal flush is operating at design pressure and temperature.

(3) For pumps in Phase III to which a 1,000 parts per million leak definition applies, repair is not required unless an instrument reading of 2,000 parts per million or greater is detected.

(d) (1) The owner or operator shall decide no later than the first monitoring period whether to calculate percent leaking pumps on a process unit basis or on a source-wide basis. Once the owner
or operator has decided, all subsequent percent calculations shall be made on the same basis.

(2) If, in Phase III, calculated on a 6-month rolling average, the greater of either 10 percent of the pumps in a process unit or three pumps in a process unit leak, the owner or operator shall implement a quality improvement program for pumps that complies with the requirements of § 63.176 of this subpart.

(3) The number of pumps at a process unit shall be the sum of all the pumps in organic HAP service, except that pumps found leaking in a continuous process unit within 1 month after start-up of the pump shall not count in the percent leaking pumps calculation for that one monitoring period only.

(4) Percent leaking pumps shall be determined by the following equation:

$$\%P_L = ((P_L - P_S)/(P_T - P_S)) \times 100$$

where:

$\%P_L$ = Percent leaking pumps

P_L = Number of pumps found leaking as determined through monthly monitoring as required in paragraphs (b)(1) and (b)(2) of this section.

P_T = Total pumps in organic HAP service, including those meeting the criteria in paragraphs (e) and (f) of this section.

P_S = Number of pumps leaking within 1 month of start-up during the current monitoring period.

(e) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraphs (a) through (d) of this section, provided the following requirements are met:

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of § 63.172 of this subpart; or

(iii) Equipped with a closed-loop system that purges the barrier fluid into a process stream.

(2) The barrier fluid is not in light liquid service.

(3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

(4) Each pump is checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

(i) If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the pump shall be monitored as specified in § 63.180(b) of this subpart to determine if there is a leak of organic HAP in the barrier fluid.

(ii) If an instrument reading of 1,000 parts per million or greater is measured, a leak is detected.

(5) Each sensor as described in paragraph (e)(3) of this section is observed daily or is equipped with an alarm unless the pump is located within the boundary of an unmanned plant site.

(6) (i) The owner or operator determines, based on design considerations and operating experience, criteria applicable to the presence and frequency of drips and to the sensor that indicates failure of the seal system, the barrier fluid system, or both.

(ii) If indications of liquids dripping from the pump seal exceed the criteria established in paragraph (e)(6)(i) of this section, or if, based on the criteria established in paragraph (e)(6)(i) of this section, the sensor indicates failure of the seal system, the barrier fluid system, or both, a leak is detected.

(iii) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 63.171 of this subpart.

(iv) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(f) Any pump that is designed with no externally actuated shaft penetrating the pump housing is exempt from the requirements of paragraphs (a) through (c) of this section.

(g) Any pump equipped with a closed-vent system capable of capturing and transporting any

leakage from the seal or seals to a process or to a fuel gas system or to a control device that complies with the requirements of § 63.172 of this subpart is exempt from the requirements of paragraphs (b) through (e) of this section.

(h) Any pump that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (b)(3) and (e)(4) of this section, and the daily requirements of paragraph (e)(5) of this section, provided that each pump is visually inspected as often as practicable and at least monthly.

(i) If more than 90 percent of the pumps at a process unit meet the criteria in either paragraph (e) or (f) of this section, the process unit is exempt from the requirements of paragraph (d) of this section.

(j) Any pump that is designated, as described in § 63.181(b)(7)(i) of this subpart, as an unsafe-to-monitor pump is exempt from the requirements of paragraphs (b) through (e) of this section if:

(1) The owner or operator of the pump determines that the pump is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (b) through (d) of this section; and

(2) The owner or operator of the pump has a written plan that requires monitoring of the pump as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

§ 63.164 Standards: Compressors.

(a) Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of process fluid to the atmosphere, except as provided in § 63.162(b) of this subpart and paragraphs (h) and (i) of this section.

(b) Each compressor seal system as required in paragraph (a) of this section shall be:

(1) Operated with the barrier fluid at a pressure that is greater than the compressor stuffing box pressure; or

(2) Equipped with a barrier fluid system degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of § 63.172 of this subpart; or

(3) Equipped with a closed-loop system that purges the barrier fluid directly into a process stream.

(c) The barrier fluid shall not be in light liquid service.

(d) Each barrier fluid system as described in paragraphs (a) through (c) of this section shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(e) (1) Each sensor as required in paragraph (d) of this section shall be observed daily or shall be equipped with an alarm unless the compressor is located within the boundary of an unmanned plant site.

(2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under paragraph (e)(2) of this section, a leak is detected.

(g) (1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 63.171 of this subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(h) A compressor is exempt from the requirements of paragraphs (a) through (g) of this section if it is equipped with a closed-vent system to capture and transport leakage from the compressor drive shaft seal back to a process or a fuel gas system or to a control device that complies with the requirements of § 63.172 of this subpart.

(i) Any compressor that is designated, as described in § 63.181(b)(2)(ii) of this subpart, to operate with an instrument reading of less than 500 parts per million above background, is exempt from the requirements of paragraphs (a) through (h) of this section if the compressor:

(1) Is demonstrated to be operating with an instrument reading of less than 500 parts per million above background, as measured by the method specified in § 63.180(c) of this subpart; and

(2) Is tested for compliance with paragraph (i)(1) of this section initially upon designation, annually, and at other times requested by the Administrator.

§ 63.165 Standards: Pressure relief devices in gas/vapor service.

(a) Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with an instrument reading of less than 500 parts per million above background except as provided in paragraph (b) of this section, as measured by the method specified in § 63.180(c) of this subpart.

(b) (1) After each pressure release, the pressure relief device shall be returned to a condition indicated by an instrument reading of less than 500 parts per million above background, as soon as
practicable, but no later than 5 calendar days after each pressure release, except as provided in § 63.171 of this subpart.

(2) No later than 5 calendar days after the pressure release and being returned to organic HAP service, the pressure relief device shall be monitored to confirm the condition indicated by an instrument reading of less than 500 parts per million above background, as measured by the method specified in § 63.180(c) of this subpart.

(c) Any pressure relief device that is routed to a process or fuel gas system or equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in § 63.172 of this subpart is exempt from the requirements of paragraphs (a) and (b) of this section.

(d) (1) Any pressure relief device that is equipped with a rupture disk upstream of the pressure relief device is exempt from the requirements of paragraphs (a) and (b) of this section, provided the owner or operator complies with the requirements in paragraph (d)(2) of this section.

(2) After each pressure release, a rupture disk shall be installed upstream of the pressure relief device as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in § 63.171 of this subpart.

§ 63.166 Standards: Sampling connection systems.

(a) Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system, except as provided in § 63.162(b) of this subpart. Gases displaced during filling of the sample container are not required to be collected or captured.

(b) Each closed-purge, closed-loop, or closed-vent system as required in paragraph (a) of this section shall:

(1) Return the purged process fluid directly to the process line; or

(2) Collect and recycle the purged process fluid to a process; or

(3) Be designed and operated to capture and transport the purged process fluid to a control device that complies with the requirements of § 63.172 of this subpart; or

(4) Collect, store, and transport the purged process fluid to a system or facility identified in paragraph (b)(4)(i), (ii), or (iii) of this section.

(i) A waste management unit as defined in § 63.111 of subpart G of this part, if the waste management unit is subject to, and operated in compliance with the provisions of subpart G of this part applicable to group 1 wastewater streams. If the purged process fluid does not contain any organic HAP listed in Table 9 of subpart G of part 63, the waste management unit need not be subject to, and operated in compliance with the requirements of 40 CFR part 63, subpart G applicable to group 1 wastewater streams provided the facility has an NPDES permit or sends the wastewater to an NPDES permitted facility.

(ii) A treatment, storage, or disposal facility subject to regulation under 40 CFR part 262, 264, 265, or 266; or

(iii) A facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the process fluids are not hazardous waste as defined in 40 CFR part 261.

(c) *In-situ* sampling systems and sampling systems without purges are exempt from the requirements of paragraphs (a) and (b) of this section.

§ 63.167 Standards: Open-ended valves or lines.

(a) (1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in § 63.162(b) of this subpart and paragraphs (d) and (e) of this section.

(2) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance or repair.

(b) Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.

(c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (a) of this section at all other times.

(d) Open-ended valves or lines in an emergency shutdown system which are designed to open automatically in the event of a process upset are exempt from the requirements of paragraphs (a), (b) and (c) of this section.

(e) Open-ended valves or lines containing materials which would autocatalytically polymerize or, would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system as specified in paragraphs (a) through (c) of this section are exempt from the requirements of paragraph (a) through (c) of this section.

§ 63.168 Standards: Valves in gas/vapor service and in light liquid service.

(a) The provisions of this section apply to valves that are either in gas service or in light liquid service.

(1) The provisions are to be implemented on the dates set forth in the specific subpart in 40 CFR part 63 that references this subpart as specified in paragraph (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this section.

(i) For each group of existing process units at existing sources subject to the provisions of subpart F or I of this part, the phases of the standard are:

(A) Phase I, beginning on the compliance date;

(B) Phase II, beginning no later than 1 year after the compliance date; and

(C) Phase III, beginning no later than 2 years after the compliance date.

(ii) For new sources subject to the provisions of subpart F or I of this part, the applicable phases of the standard are:

(A) After initial start-up, comply with the Phase II requirements; and

(B) Beginning no later than 1 year after initial start-up, comply with the Phase III requirements.

(iii) Sources subject to other subparts in 40 CFR part 63 that reference this subpart shall comply on the dates specified in the applicable subpart.

(2) The owner or operator of a source subject to this subpart may elect to meet the requirements of a later phase during the time period specified for an earlier phase.

(3) The use of monitoring data generated before April 22, 1994 to qualify for less frequent monitoring is governed by the provisions of § 63.180(b)(6) of this subpart.

(b) The owner or operator of a source subject to this subpart shall monitor all valves, except as provided in § 63.162(b) of this subpart and paragraphs (h) and (i) of this section, at the intervals specified in paragraphs (c) and (d) of this section and shall comply with all other provisions of this section, except as provided in § 63.171, § 63.177, § 63.178, and § 63.179 of this subpart.

(1) The valves shall be monitored to detect leaks by the method specified in § 63.180(b) of this subpart.

(2) The instrument reading that defines a leak in each phase of the standard is:

(i) For Phase I, an instrument reading of 10,000 parts per million or greater.

(ii) For Phase II, an instrument reading of 500 parts per million or greater.

(iii) For Phase III, an instrument reading of 500 parts per million or greater.

(c) In Phases I and II, each valve shall be monitored quarterly.

(d) In Phase III, the owner or operator shall monitor valves for leaks at the intervals specified below:

(1) At process units with 2 percent or greater leaking valves, calculated according to paragraph (e) of this section, the owner or operator shall either:

(i) Monitor each valve once per month; or (ii) Within the first year after the onset of Phase III, implement a quality improvement program for valves that complies with the requirements of § 63.175 (d) or (e) of this subpart and monitor quarterly.

(2) At process units with less than 2 percent leaking valves, the owner or operator shall monitor each valve once each quarter, except as provided in paragraphs (d)(3) and (d)(4) of this section.

(3) At process units with less than 1 percent leaking valves, the owner or operator may elect to monitor each valve once every 2 quarters.

(4) At process units with less than 0.5 percent leaking valves, the owner or operator may elect to monitor each valve once every 4 quarters.

(e) (1) Percent leaking valves at a process unit shall be determined by the following equation:

$$\%V_L = (V_L/(V_T + V_C)) \times 100$$

where:

$\%V_L$ = Percent leaking valves as determined through periodic monitoring required in paragraphs (b) through (d) of this section.

V_L = Number of valves found leaking excluding nonrepairables as provided in paragraph (e)(3)(i) of this section.

V_T = Total valves monitored, in a monitoring period excluding valves monitored as required by (f)(3) of this section.

V_C = Optional credit for removed valves = 0.67 x net number (i.e., total removed - total added) of valves in organic HAP service removed from process unit after the date set forth in § 63.100(k) of subpart F for existing process units, and after the date of initial start-up for new sources. If credits are not taken, then $V_C = 0$.

(2) For use in determining monitoring frequency, as specified in paragraph (d) of this section, the percent leaking valves shall be calculated as a rolling average of two consecutive monitoring periods for monthly, quarterly, or semiannual monitoring programs; and as an average of any three out of four consecutive monitoring periods for annual monitoring programs.

(3) (i) Nonrepairable valves shall be included in the calculation of percent leaking valves the first time the valve is identified as leaking and non-repairable and as required to comply with paragraph (e)(3)(ii) of this section. Otherwise, a number of nonrepairable valves (identified and included in the percent leaking calculation in a previous period) up to a maximum of 1 percent of the total number of valves in organic HAP service at a process unit may be excluded from calculation of percent leaking valves for subsequent monitoring periods.

(ii) If the number of nonrepairable valves exceeds 1 percent of the total number of valves in organic HAP service at a process unit, the number of nonrepairable valves exceeding 1 percent of the total number of valves in organic HAP service shall be included in the calculation of percent leaking valves.

(f) (1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in § 63.171 of this subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(3) When a leak has been repaired, the valve shall be monitored at least once within the first 3 months after its repair.

(i) The monitoring shall be conducted as specified in § 63.180 (b) and (c), as appropriate, to determine whether the valve has resumed leaking.

(ii) Periodic monitoring required by paragraphs (b) through (d) of this section may be used to satisfy the requirements of this paragraph (f)(3), if the timing of the monitoring

period coincides with the time specified in this paragraph (f)(3). Alternatively, other monitoring may be performed to satisfy the requirements of this paragraph (f)(3), regardless of whether the timing of the monitoring period for periodic monitoring coincides with the time specified in this paragraph (f)(3).

(iii) If a leak is detected by monitoring that is conducted pursuant to paragraph (f)(3) of this section, the owner or operator shall follow the provisions of paragraphs (f)(3)(iii)(A) and (f)(3)(iii)(B) of this section, to determine whether that valve must be counted as a leaking valve for purposes of § 63.168(e) of this subpart.

(A) If the owner or operator elected to use periodic monitoring required by paragraphs (b) through (d) of this section to satisfy the requirements of paragraph (f)(3) of this section, then the valve shall be counted as a leaking valve.

(B) If the owner or operator elected to use other monitoring, prior to the periodic monitoring required by paragraphs (b) through (d) of this section, to satisfy the requirements of paragraph (f)(3) of this section, then the valve shall be counted as a leaking valve unless it is repaired and shown by periodic monitoring not to be leaking.

(g) First attempts at repair include, but are not limited to, the following practices where practicable:

(1) Tightening of bonnet bolts,
(2) Replacement of bonnet bolts,
(3) Tightening of packing gland nuts, and
(4) Injection of lubricant into lubricated packing.

(h) Any valve that is designated, as described in § 63.181(b)(7)(i) of this subpart, as an unsafe-to-monitor valve is exempt from the requirements of paragraphs (b) through (f) of this section if:

(1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (b) through (d) of this section; and

(2) The owner or operator of the valve has a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

(i) Any valve that is designated, as described in § 63.181(b)(7)(ii) of this subpart, as a difficult-to-monitor valve is exempt from the requirements of paragraphs (b) through (d) of this section if:

(1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface or it is not accessible at anytime in a safe manner;

(2) The process unit within which the valve is located is an existing source or the owner or operator designates less than 3 percent of the total number of valves in a new source as difficult-to-monitor; and

(3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(j) Any equipment located at a plant site with fewer than 250 valves in organic HAP service is exempt from the requirements for monthly monitoring and a quality improvement program specified in paragraph (d)(1) of this section. Instead, the owner or operator shall monitor each valve in organic HAP service for leaks once each quarter, or comply with paragraph (d)(3) or (d)(4) of this section except as provided in paragraphs (h) and (i) of this section.

§ 63.169 Standards: Pumps, valves, connectors, and agitators in heavy liquid service; instrumentation systems; and pressure relief devices in liquid service.

(a) Pumps, valves, connectors, and agitators in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and instrumentation systems shall be monitored within 5 calendar days by the method specified in § 63.180(b) of this subpart if evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method. If such a potential leak is repaired as required in paragraphs (c) and (d) of this section, it is not necessary to monitor the system for leaks by the method specified in § 63.180(b) of this subpart.

(b) If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, 2,000 parts per million or greater for all other pumps (including pumps in food/medical service), or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected.

(c) (1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 63.171 of this subpart.

(2) The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(3) For equipment identified in paragraph (a) of this section that is not monitored by the method specified in § 63.180(b), repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

(d) First attempts at repair include, but are not limited to, the practices described under §§ 63.163(c)(2) and 63.168(g) of this subpart, for pumps and valves, respectively.

§ 63.170 Standards: Surge control vessels and bottoms receivers.

Each surge control vessel or bottoms receiver that is not routed back to the process and that meets the conditions specified in table 2 or table 3 of this subpart shall be equipped with a closed-vent system that routes the organic vapors vented from the surge control vessel or bottoms receiver back to the process or to a control device that complies with the requirements in § 63.172 of this subpart, except as provided in § 63.162(b) of this subpart, or comply with the requirements of § 63.119(b) or (c) of subpart G of this part.

§ 63.171 Standards: Delay of repair.

(a) Delay of repair of equipment for which leaks have been detected is allowed if the repair within 15 days is technically infeasible without a process unit shutdown. Repair of this equipment shall occur by the end of the next process unit shutdown.

(b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the process and that does not remain in organic HAP service.

(c) Delay of repair for valves, connectors, and agitators is also allowed if:

(1) The owner or operator determines that emissions of purged material resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair, and

(2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with § 63.172 of this subpart.

(d) Delay of repair for pumps is also allowed if:

(1) Repair requires replacing the existing seal design with a new system that the owner or operator has determined under the provisions of § 63.176(d) of this subpart will provide better performance or:

(i) A dual mechanical seal system that meets the requirements of § 63.163(e) of this subpart,

(ii) A pump that meets the requirements of § 63.163(f) of this subpart, or

(iii) A closed-vent system and control device that meets the requirements of § 63.163(g) of this subpart; and

(2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

(e) Delay of repair beyond a process unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the second process unit shutdown will not be allowed unless the third process unit shutdown occurs sooner than 6 months after the first process unit shutdown.

§ 63.172 Standards: Closed-vent systems and control devices.

(a) Owners or operators of closed-vent systems and control devices used to comply with provisions
of this subpart shall comply with the provisions of this section, except as provided in
§ 63.162(b) of this subpart.

(b) Recovery or recapture devices (e.g., condensers and absorbers) shall be designed and operated to recover the organic hazardous air pollutant emissions or volatile organic compounds emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts par million by volume, whichever is less stringent. The 20 parts per million by volume performance
standard is not applicable to the provisions of § 63.179.

(c) Enclosed combustion devices shall be designed and operated to reduce the organic hazardous air pollutant emissions or volatile organic compounds emissions vented to them with an efficiency
of 95 percent or greater, or to an exit concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent, or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 °C.

(d) Flares used to comply with this subpart shall comply with the requirements of § 63.11(b) of subpart A of this part.

(e) Owners or operators of control devices that are used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their design.

{NOTE: The intent of this provision is to ensure proper operation and maintenance of the control device.}

(f) Except as provided in paragraphs (k) and (l) of this section, each closed-vent system shall be inspected according to the procedures and schedule specified in paragraphs (f)(1) and (f)(2) of this section.

(1) If the closed-vent system is constructed of hard-piping, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (g) of this section, and

(ii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

(2) If the vapor collection system or closed-vent system is constructed of duct work, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (g) of this section, and

(ii) Conduct annual inspections according to the procedures in paragraph (g) of this section.

(g) Each closed-vent system shall be inspected according to the procedures in § 63.180(b) of this subpart.

(h) Leaks, as indicated by an instrument reading greater than 500 parts per million above background or by visual inspections, shall be repaired as soon as practicable, except as provided in paragraph (i) of this section.

(1) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(2) Repair shall be completed no later than 15 calendar days after the leak is detected, except as provided in paragraph (i) of this section.

(i) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next process unit shutdown.

(j) For each closed-vent system that contains bypass lines that could divert a vent stream away from the control device and to the atmosphere, the owner or operator shall comply with the provisions of either paragraph (j)(1) or (j)(2) of this section, except as provided in paragraph (j)(3) of this section.

(1) Install, set or adjust, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in § 63.118(a)(3) of subpart G of this part. The flow indicator shall be installed at the entrance to any bypass line; or

(2) Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

(3) Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(k) Any parts of the closed-vent system that are designated, as described in paragraph 63.181(b)(7)(i), as unsafe to inspect are exempt from the inspection requirements of paragraphs (f)(1) and (f)(2) of this section if:

(1) The owner or operator determines that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraph (f)(1) or (f)(2) of this section; and

(2) The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times, but not more frequently than annually.

(l) Any parts of the closed-vent system that are designated, as described in § 63.181 (b)(7)(i) of this subpart, as difficult to inspect are exempt from the inspection requirements of paragraphs (f)(1) and (f)(2) of this section if:

(1) The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface; and

(2) The owner or operator has a written plan that requires inspection of the equipment at least once every 5 years.

(m) Whenever organic HAP emissions are vented to a closed-vent system or control device used to comply with the provisions of this subpart, such system or control device shall be operating.

(n) After the compliance dates specified in § 63.100 of subpart F of this part, the owner or operator of any control device subject to this subpart that is also subject to monitoring, record-keeping, and reporting requirements in 40 CFR part 264, subpart BB, or is subject to monitoring and recordkeeping requirements in 40 CFR part 265, subpart BB, may elect to comply either with the monitoring, recordkeeping, and reporting requirements of this subpart, or with the monitoring, recordkeeping, and reporting requirements in 40 CFR parts 264 and/or 265, as described in this paragraph, which shall constitute compliance with the monitoring, recordkeeping and reporting requirements of this subpart. The owner or operator shall identify which option has been chosen, in the next periodic report required by § 63.182(d).

§ 63.173 Standards: Agitators in gas/vapor service and in light liquid service.

(a) (1) Each agitator shall be monitored monthly to detect leaks by the methods specified in § 63.180(b) of this subpart, except as provided in § 63.162(b) of this subpart.

(2) If an instrument reading of 10,000 parts per million or greater is measured, a leak is detected.

(b) (1) Each agitator shall be checked by visual inspection each calendar week for indications of liquids dripping from the agitator.

(2) If there are indications of liquids dripping from the agitator, a leak is detected.

(c) (1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 63.171 of this subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(d) Each agitator equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (a) of this section, provided the requirements specified in paragraphs (d)(1) through (d)(6) of this section are met:

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the agitator stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of § 63.172 of this subpart; or

(iii) Equipped with a closed-loop system that purges the barrier fluid into a process stream.

(2) The barrier fluid is not in light liquid organic HAP service.

(3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

(4) Each agitator is checked by visual inspection each calendar week for indications of liquids dripping from the agitator seal.

(i) If there are indications of liquids dripping from the agitator seal at the time of the weekly inspection, the agitator shall be monitored as specified in § 63.180(b) of this subpart to determine the presence of organic HAP in the barrier fluid.

(ii) If an instrument reading of 10,000 parts per million or greater is measured, a leak is detected.

(5) Each sensor as described in paragraph (d)(3) of this section is observed daily or is equipped with an alarm unless the agitator is located within the boundary of an unmanned plant site.

(6) (i) The owner or operator determines, based on design considerations and operating experience, criteria applicable to the presence and frequency of drips and to the sensor that indicates failure of the seal system, the barrier fluid system, or both.

(ii) If indications of liquids dripping from the agitator seal exceed the criteria established in paragraph (d)(6)(i) of this section, or if, based on the criteria established in paragraph (d)(6)(i) of this section, the sensor indicates failure of the seal system, the barrier fluid system, or both, a leak is detected.

(iii) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 63.171 of this subpart.

(iv) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(e) Any agitator that is designed with no externally actuated shaft penetrating the agitator housing is exempt from paragraphs (a) through (c) of this section.

(f) Any agitator equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a process or fuel gas system or to a control device that complies with the requirements of § 63.172 of this subpart is exempt from the requirements of paragraphs (a) through (c) of the section.

(g) Any agitator that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (b)(1) and (d)(4) of this section, and the daily requirements of paragraph (d)(5) of this section, provided that each agitator is visually inspected as often as practical and at least monthly.

(h) Any agitator that is difficult-to-monitor is exempt from the requirements of paragraphs (a) through (d) of this section if:

(1) The owner or operator determines that the agitator cannot be monitored without elevating the monitoring personnel more than two meters above a support surface or it is not accessible at anytime in a safe manner;

(2) The process unit within which the agitator is located is an existing source or the owner or operator designates less than three percent of the total number of agitators in a new source as difficult-to-monitor; and

(3) The owner or operator follows a written plan that requires monitoring of the agitator at least once per calendar year.

(i) Any agitator that is obstructed by equipment or piping that prevents access to the agitator by a monitor probe is exempt from the monitoring requirements of paragraphs (a) through (d) of this section.

(j) Any agitator that is designated, as described in § 63.181(b)(7)(i) of this subpart, as an unsafe-to-monitor agitator is exempt from the requirements of paragraphs (a) through (d) of this section if:

(1) The owner or operator of the agitator determines that the agitator is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (a) through (d) of this section; and

(2) The owner or operator of the agitator has a written plan that requires monitoring of the agitator as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

§ 63.174 Standards: Connectors in gas/vapor service and in light liquid service.

(a) The owner or operator of a process unit subject to this subpart shall monitor all connectors in gas/vapor and light liquid service, except as provided in § 63.162(b) of this subpart, and in paragraphs (f) through (h) of this section, at the intervals specified in paragraph (b) of this section.

(1) The connectors shall be monitored to detect leaks by the method specified in § 63.180(b) of this subpart.

(2) If an instrument reading greater than or equal to 500 parts per million is measured, a leak is detected.

(b) The owner or operator shall monitor for leaks at the intervals specified in either paragraph (b)(1) or (b)(2) of this section and in paragraph (b)(3) of this section.

(1) For each group of existing process units within an existing source, by no later than 12 months after the compliance date, the owner or operator shall monitor all connectors, except as provided in paragraphs (f) through (h) of this section.

(2) For new sources, within the first 12 months after initial start-up or by no later than 12 months after the date of promulgation of a specific subpart that references this subpart, whichever is later, the owner or operator shall monitor all connectors, except as provided in paragraphs (f) through (h) of this section.

(3) After conducting the initial survey required in paragraph (b)(1) or (b)(2) of this section, the owner or operator shall perform all subsequent monitoring of connectors at the frequencies specified in paragraphs (b)(3)(i) through (b)(3)(v) of this section, except as provided in paragraph (c)(2) of this section:

(i) Once per year (i.e., 12-month period), if the percent leaking connectors in the process unit was 0.5 percent or greater during the last required annual or biennial monitoring period.

(ii) Once every 2 years, if the percent leaking connectors was less than 0.5 percent during the last required monitoring period. An owner or operator may comply with this paragraph by monitoring at least 40 percent of the connectors in the first year and the remainder of the connectors in the second year. The percent leaking connectors will be calculated for the total of all monitoring performed during the 2-year period.

(iii) If the owner or operator of a process unit in a biennial leak detection and repair program calculates less than 0.5 percent leaking connectors from the 2-year monitoring period, the owner or operator may monitor the connectors one time every 4 years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 20 percent of the connectors each year until all connectors have been monitored within 4 years.

(iv) If a process unit complying with the requirements of paragraph (b) of this section using a 4-year monitoring interval program has greater than or equal to 0.5 percent but less than 1 percent leaking connectors, the owner or operator shall increase the monitoring frequency to one time every 2 years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 40 percent of the connectors in the first year and the remainder of the connectors in the second year. The owner or operator may again elect to use the provisions of paragraph (b)(3)(iii) of this section when the percent leaking connectors decreases to less than 0.5 percent.

(v) If a process unit complying with requirements of paragraph (b)(3)(iii) of this section using a 4-year monitoring interval program has 1 percent or greater leaking connectors, the owner or operator shall increase the monitoring frequency to one time per year. The owner or operator may again elect to use the provisions of paragraph (b)(3)(iii) of this section when the percent leaking connectors decreases to less than 0.5 percent.

(4) The use of monitoring data generated before April 22, 1994 to qualify for less frequent monitoring is governed by the provisions of § 63.180(b)(6).

(c) (1) (i) Except as provided in paragraph (c)(1)(ii) of this section, each connector that has been opened or has otherwise had the seal broken shall be monitored for leaks when it is reconnected or within the first 3 months after being returned to organic hazardous air pollutants service. If the monitoring detects a leak, it shall be repaired according to the provisions of paragraph (d) of this section, unless it is determined to be non-repairable, in which case it is counted as a non-repairable connector for the purposes of paragraph (i)(2) of this section.

(ii) As an alternative to the requirements in paragraph (c)(1)(i) of this section, an owner or operator may choose not to monitor connectors that have been opened or otherwise had the seal broken. In this case, the owner or operator may not count nonrepairable connectors for the purposes of paragraph (i)(2) of this section. The owner or operator shall calculate the percent leaking connectors for the monitoring periods described in paragraph (b) of this section, by setting the nonrepairable component, CAN, in the equation in paragraph (i)(2) of this section to zero for all monitoring periods.

(iii) An owner or operator may switch alternatives described in paragraphs (c)(1)(i) and (ii) of this section at the end of the current monitoring period he is in, provided that it is reported as required in § 63.182 of this subpart and begin the new alternative in annual monitoring. The initial monitoring in the new alternative shall be completed no later than 12 months after reporting the switch.

(2) As an alternative to the requirements of paragraph (b)(3) of this section, each screwed connector 2 inches or less in nominal inside diameter installed in a process unit before the dates specified in paragraph (c)(2)(iii) or (c)(2)(iv) of this section may:

(i) Comply with the requirements of § 63.169 of this subpart, and

(ii) Be monitored for leaks within the first 3 months after being returned to organic hazardous air pollutants service after having been opened or otherwise had the seal broken. If that monitoring detects a leak, it shall be repaired according to the provisions of paragraph (d) of this section.

(iii) For sources subject to subparts F and I of this part, the provisions of paragraph (c)(2) of this section apply to screwed connectors installed before December 31, 1992.

(iv) For sources not identified in paragraph (c)(2)(iii) of this section, the provisions of paragraph (c)(2) of this section apply to screwed connectors installed before the date of proposal of the applicable subpart of this part that references this subpart.

(d) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in paragraph (g) of this section and in § 63.171 of this subpart. A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(e) [Reserved]

(f) Any connector that is designated, as described in § 63.181(b)(7)(i) of this subpart, as an unsafe-to-monitor connector is exempt from the requirements of paragraph (a) of this section if:

(1) The owner or operator determines that the connector is unsafe to monitor because personnel would be exposed to an immediate danger as a result of complying with paragraphs (a) through (e) of this section; and

(2) The owner or operator has a written plan that requires monitoring of the connector as frequently as practicable during safe to monitor periods, but not more frequently than the periodic schedule otherwise applicable.

(g) Any connector that is designated, as described in § 63.181(b)(7)(iii) of this subpart, as an unsafe-to-repair connector is exempt from the requirements of paragraphs (a), (d), and (e) of this section if:

(1) The owner or operator determines that repair personnel would be exposed to an immediate danger as a consequence of complying with paragraph (d) of this section; and

(2) The connector will be repaired before the end of the next scheduled process unit shutdown.

(h) (1) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined), is exempt from the monitoring requirements of paragraphs (a) and (c) of this section and from the recordkeeping and reporting requirements of § 63.181 and § 63.182 of this subpart. An inaccessible connector is one that is:

(i) Buried;

(ii) Insulated in a manner that prevents access to the connector by a monitor probe;

(iii) Obstructed by equipment or piping that prevents access to the connector by a monitor probe;

(iv) Unable to be reached from a wheeled scissor-lift or hydraulic-type scaffold which would allow access to connectors up to 7.6 meters (25 feet) above the ground;

(v) Inaccessible because it would require elevating the monitoring personnel more than 2 meters above a permanent support surface or would require the erection of scaffold; or

(vi) Not able to be accessed at any time in a safe manner to perform monitoring. Unsafe access includes, but is not limited to, the use of a wheeled scissor-lift on unstable or uneven terrain, the use of a motorized man-lift basket in areas where an ignition potential exists, or access would require near proximity to hazards such as electrical lines, or would risk damage to equipment.

(2) If any inaccessible or ceramic or ceramic-lined connector is observed by visual, audible, olfactory, or other means to be leaking, the leak shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in § 63.171 of this subpart and paragraph (g) of this section.

(3) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(i) For use in determining the monitoring frequency, as specified in paragraph (b) of this section, the percent leaking connectors shall be calculated as specified in paragraphs (i)(1) and (i)(2) of this section.

(1) For the first monitoring period, use the following equation:

$$\% C_L = C_L/(C_t + C_C) \times 100$$

where:

$\% C_L$ = Percent leaking connectors as determined through periodic monitoring required in paragraphs (a) and (b) of this section.

C_L = Number of connectors measured at 500 parts per million or greater, by the method specified in § 63.180(b) of this subpart.

C_t = Total number of monitored connectors in the process unit.

C_C = Optional credit for removed connectors = 0.67 x net (i.e., total removed - total added) number of connectors in organic hazardous air pollutants service removed from the process unit after the compliance date set forth in the applicable subpart for existing process units, and after the date of initial start-up for new process units. If credits are not taken, then $C_C = 0$.

(2) For subsequent monitoring periods, use the following equation:

$$\% C_L = [(C_L - C_{AN})/(C_t + C_C)] \times 100$$

where:

$\% C_L$ = Percent leaking connectors as determined through periodic monitoring required in paragraphs (a) and (b) of this section.

C_L = Number of connectors, including nonrepairables, measured at 500 parts per million or greater, by the method specified in § 63.180(b) of this subpart.

C_{AN} = Number of allowable nonrepairable connectors, as determined by monitoring required in paragraphs (b)(3) and (c) of this section, not to exceed 2 percent of the total connector population, C_t.

C_t = Total number of monitored connectors, including nonrepairables, in the process unit.

C_C = Optional credit for removed connectors = 0.67 x net number (i.e., total removed - total added) of connectors in organic hazardous air pollutants service removed from the process unit after the compliance date set forth in the applicable subpart for existing process units, and after the date of initial start-up for new process units. If credits are not taken, then $C_C = 0$.

(j) Optional credit for removed connectors. If an owner or operator eliminates a connector subject to monitoring under paragraph (b) of this section, the owner or operator may receive credit for elimination of the connector, as described in paragraph (i) of this section, provided the requirements in paragraphs (j)(1) through (j)(4) are met.

(1) The connector was welded after the date of proposal of the specific subpart that references this subpart.

(2) The integrity of the weld is demonstrated by monitoring it according to the procedures in § 63.180(b) of this subpart or by testing using X-ray, acoustic monitoring, hydrotesting, or other applicable method.

(3) Welds created after the date of proposal but before the date of promulgation of a specific subpart that references this subpart are monitored or tested by 3 months after the compliance date specified in the applicable subpart.

(4) Welds created after promulgation of the subpart that references this subpart are monitored or tested within 3 months after being welded.

(5) If an inadequate weld is found or the connector is not welded completely around the circumference, the connector is not considered a welded connector and is therefore not exempt from the provisions of this subpart.

§ 63.175 Quality improvement program for valves.

(a) In Phase III, an owner or operator may elect to comply with one of the alternative quality improvement programs specified in paragraphs (d) and (e) of this section. The decision to use one of these alternative provisions to comply with the requirements of § 63.168(d)(1)(ii) of this subpart
must be made during the first year of Phase III for existing process units and for new process units.

(b) An owner or operator of a process unit subject to the requirements of paragraph (d) or (e) of this section shall comply with those requirements until the process unit has fewer than 2 percent leaking valves, calculated as a rolling average of 2 consecutive quarters, as specified in § 63.168(e)
of this subpart.

(c) After the process unit has fewer than 2 percent leaking valves, the owner or operator may elect to comply with the requirements in § 63.168 of this subpart, to continue to comply with the requirements in paragraph (e) (or (d), if appropriate) of this section, or comply with both the requirements in § 63.168 and § 63.175.

(1) If the owner or operator elects to continue the quality improvement program, the owner or operator is exempt from the requirements for performance trials as specified in paragraph (e)(6) of this section, or further progress as specified in paragraph (d)(4) of this section, as long as the
process unit has fewer than 2 percent leaking valves calculated according to § 63.168(e).

(2) If the owner or operator elects to comply with both paragraph (e) of this section and § 63.168 of this subpart, he may also take advantage of the lower monitoring frequencies associated with lower leak rates in § 63.168 (d)(2), (d)(3), and (d)(4) of this subpart.

(3) If the owner or operator elects not to continue the quality improvement program, the program is no longer an option if the process unit again exceeds 2 percent leaking valves, and in such case, monthly monitoring will be required.

(d) The following requirements shall be met if an owner or operator elects to use a quality improvement program to demonstrate further progress:

(1) The owner or operator shall continue to comply with the requirements in § 63.168 of this subpart except each valve shall be monitored quarterly.

(2) The owner or operator shall collect the following data, and maintain records as required in § 63.181(h)(1) of this subpart, for each valve in each process unit subject to the quality improvement program:

(i) The maximum instrument reading observed in each monitoring observation before repair, the response factor for the stream if appropriate, the instrument model number, and date of the observation.

(ii) Whether the valve is in gas or light liquid service.

(iii) If a leak is detected, the repair methods used and the instrument readings after repair.

(3) The owner or operator shall continue to collect data on the valves as long as the process unit remains in the quality improvement program.

(4) The owner or operator must demonstrate progress in reducing the percent leaking valves each quarter the process unit is subject to the requirements of paragraph (d) of this section, except as provided in paragraphs (d)(4)(ii) and (d)(4)(iii) of this section.

(i) Demonstration of progress shall mean that for each quarter there is at least a 10-percent reduction in the percent leaking valves from the percent leaking valves determined for the preceding monitoring period. The percent leaking valves shall be calculated as a rolling average of two consecutive quarters of monitoring data. The percent reduction shall be calculated using the rolling average percent leaking valves, according to the following:

$$\%LV_R = (\%LV_{AVG1} \cdot \%LV_{AVG2}) / \%LV_{AVG1} \quad x\ 100$$

where:

$\%LV_R =$ Percent leaking valve reduction.

$\%LV_{AVG1} = (\%V_{Li} + \%V_{Li+1})/2.$

$\%LV_{AVG2} = (\%V_{Li+1} + \%V_{Li+2})/2.$

where:

$\%V_{Li}$, $\%V_{Li+1}$, $\%V_{Li+2}$ are percent leaking valves calculated for subsequent monitoring periods, i, i +1, i +2.

(ii) An owner or operator who fails for two consecutive rolling averages to demonstrate at least a 10-percent reduction per quarter in percent leaking valves, and whose overall average percent reduction based on two or more rolling averages is less than 10 percent per quarter, shall either comply with the requirements in § 63.168(d)(1)(i) of this subpart using monthly monitoring or shall comply using a quality improvement program for technology review as specified in paragraph (e) of this section. If the owner or operator elects to comply with the requirements of paragraph (e) of this section, the schedule for performance trials and valve
replacements remains as specified in paragraph (e) of this section.

(iii) As an alternative to the provisions in paragraph (d)(4)(i), an owner or operator may use the procedure specified in paragraphs (d)(4)(iii)(A) and (d)(4)(iii)(B) of this section to demonstrate progress in reducing the percent leaking valves.

(A) The percent reduction that must be achieved each quarter shall be calculated as follows:

$$\%RR = \frac{\%V_L - 2\%}{0.10}$$

%RR = percent reduction required each quarter, as calculated according to § 63.168(e)
$\%V_L$ = percent leaking valves, calculated according to § 63.168(e), at the time elected to use provisions of § 63.168(d)(1)(ii)

(B) The owner or operator shall achieve less than 2 percent leaking valves no later than 2 years after electing to use the demonstration of progress provisions in § 63.175(d) of this subpart.

(e) The following requirements shall be met if an owner or operator elects to use a quality improvement program of technology review and improvement:

(1) The owner or operator shall comply with the requirements in § 63.168 of this subpart except the requirement for monthly monitoring in § 63.168(d)(1)(i) of this subpart does not apply.

(2) The owner or operator shall collect the data specified below, and maintain records as required in § 63.181(h)(2), for each valve in each process unit subject to the quality improvement program. The data may be collected and the records may be maintained on a process unit or group of process units basis. The data shall include the following:

(i) Valve type (e.g., ball, gate, check); valve manufacturer; valve design (e.g., external stem or actuating mechanism, flanged body); materials of construction; packing material; and year installed.

(ii) Service characteristics of the stream such as operating pressure, temperature, line diameter, and corrosivity.

(iii) Whether the valve is in gas or light liquid service.

(iv) The maximum instrument readings observed in each monitoring observation before repair, response factor for the stream if adjusted, instrument model number, and date of the observation.

(v) If a leak is detected, the repair methods used and the instrument readings after repair.

(vi) If the data will be analyzed as part of a larger analysis program involving data from other plants or other types of process units, a description of any maintenance or quality assurance programs used in the process unit that are intended to improve emission performance.

(3) The owner or operator shall continue to collect data on the valves as long as the process unit remains in the quality improvement program.

(4) The owner or operator shall inspect all valves removed from the process unit due to leaks. The inspection shall determine which parts of the valve have failed and shall include recommendations, as appropriate, for design changes or changes in specifications to reduce leak potential.

(5) (i) The owner or operator shall analyze the data collected to comply with the requirements of paragraph (e)(2) of this section to determine the services, operating or maintenance practices, and valve designs or technologies that have poorer than average emission performance and those that have better than average emission performance. The analysis shall determine if specific trouble areas can be identified on the basis of service, operating conditions or maintenance practices, equipment design, or other process specific factors.

(ii) The analysis shall also be used to identify any superior performing valve technologies that are applicable to the service(s), operating conditions, or valve designs associated with poorer than average emission performance. A superior performing valve technology is one for which a group of such valves has a leak frequency of less than 2 percent for specific applications in such a process unit. A candidate superior performing valve technology is one demonstrated or reported in the available literature or through a group study as having low

emission performance and as being capable of achieving less than 2 percent leaking valves in the process unit.

(iii) The analysis shall include consideration of:

(A) The data obtained from the inspections of valves removed from the process unit due to leaks,

(B) Information from the available literature and from the experience of other plant sites that will identify valve designs or technologies and operating conditions associated with low emission performance for specific services, and

(C) Information on limitations on the service conditions for the valve design and operating conditions as well as information on maintenance procedures to ensure continued low emission performance.

(iv) The data analysis may be conducted through an inter- or intra-company program (or through some combination of the two approaches) and may be for a single process unit, a company, or a group of process units.

(v) The first analysis of the data shall be completed no later than 18 months after the start of Phase III. The first analysis shall be performed using a minimum of two quarters of data. An analysis of the data shall be done each year the process unit is in the quality improvement program.

(6) A trial evaluation program shall be conducted at each plant site for which the data analysis does not identify superior performing valve designs or technologies that can be applied to the operating conditions and services identified as having poorer than average performance, except as provided in paragraph (e)(6)(v) of this section. The trial program shall be used to evaluate the feasibility of using in the process unit the valve designs or technologies that have been identified by others as having low emission performance.

(i) The trial program shall include on-line trials of valves or operating and maintenance practices that have been identified in the available literature or in analysis by others as having the ability to perform with leak rates below 2 percent in similar services, as having low probability of failure, or as having no external actuating mechanism in contact with the process fluid. If any of the candidate superior performing valve technologies is not included in the performance trials, the reasons for rejecting specific technologies from consideration shall be documented as required in § 63.181(h)(5)(ii) of this subpart.

(ii) The number of valves in the trial evaluation program shall be the lesser of 1 percent or 20 valves for programs involving single process units and the lesser of 1 percent or 50 valves for programs involving groups of process units.

(iii) The trial evaluation program shall specify and include documentation of:

(A) The candidate superior performing valve designs or technologies to be evaluated, the stages for evaluating the identified candidate valve designs or technologies, including the estimated time period necessary to test the applicability;

(B) The frequency of monitoring or inspection of the equipment;

(C) The range of operating conditions over which the component will be evaluated; and

(D) Conclusions regarding the emission performance and the appropriate operating conditions and services for the trial valves.

(iv) The performance trials shall initially be not later than 18 months after the start of Phase III. Not later than 24 months after the start of Phase III, the owner or operator shall have
identified valve designs or technologies that, combined with appropriate process, operating, and maintenance practices, operate with low emission performance for specific applications in the process unit. The owner or operator shall continue to conduct performance trials as long as no superior performing design or technology has been identified, except as provided in paragraph

(e)(6)(vi) of this section. The compilation of candidate and demonstrated superior emission performance valve designs or technologies shall be amended in the future, as appropriate, as additional information and experience is obtained.

(v) Any plant site with fewer than 400 valves and owned by a corporation with fewer than 100 total employees shall be exempt from trial evaluations of valves. Plant sites exempt from the trial, evaluations of valves shall begin the program at the start of the fourth year of Phase III.

(vi) An owner or operator who has conducted performance trials on all candidate superior emission performance technologies suitable for the required applications in the process unit may stop conducting performance trials provided that a superior performing design or technology has been demonstrated or there are no technically feasible candidate superior technologies remaining. The owner or operator shall prepare an engineering evaluation documenting the physical, chemical, or engineering basis for the judgment that the superior emission performance technology is technically infeasible or demonstrating that it would not reduce emissions.

(7) Each owner or operator who elects to use a quality improvement program for technology review and improvement shall prepare and implement a valve quality assurance program that details purchasing specifications and maintenance procedures for all valves in the process unit. The quality assurance program may establish any number of categories, or classes, of valves as needed to distinguish among operating conditions and services associated with poorer than average emission performance as well as those associated with better than average emission performance. The quality assurance program shall be developed considering the findings of the data analysis required under paragraph (e)(5) of this section, if applicable, the findings of the trial evaluation required in paragraph (e)(6) of this section, and the operating conditions in the process unit. The quality assurance program shall be reviewed and, as appropriate, updated each year as long as the process unit has 2 percent or more leaking valves.

(i) The quality assurance program shall:

(A) Establish minimum design standards for each category of valves. The design standards shall specify known critical parameters such as tolerance, manufacturer, materials of construction, previous usage, or other applicable identified critical parameters;

(B) Require that all equipment orders specify the design standard (or minimum tolerances) for the valve;

(C) Include a written procedure for bench testing of valves that specifies performance criteria for acceptance of valves and specifies criteria for the precision and accuracy of the test apparatus. All valves repaired off-line after preparation of the quality assurance plan shall be bench-tested for leaks. This testing may be conducted by the owner or operator of the process unit, by the vendor, or by a designated representative. The owner or operator shall install only those valves that have been documented through bench-testing to be nonleaking.

(D) Require that all valves repaired on-line be monitored using the method specified in § 63.180(b) of this subpart for leaks for 2 successive months, after repair.

(E) Provide for an audit procedure for quality control of purchased equipment to ensure conformance with purchase specifications. The audit program may be conducted by the owner or operator of the process unit or by a designated representative.

(F) Detail off-line valve maintenance and repair procedures. These procedures shall include provisions to ensure that rebuilt or refurbished valves will meet the design specifications for the valve type and will operate such that emissions are minimized.

(ii) The quality assurance program shall be established no later than the start of the third year of Phase III for plant sites with 400 or more valves or owned by a corporation with 100 or more employees; and no later than the start of the fourth year of Phase III for plant sites with less than 400 valves and owned by a corporation with less than 100 employees.

(8) Beginning at the start of the third year of Phase III for plant sites with 400 or more valves or owned by a corporation with 100 or more employees and at the start of the fourth year of Phase III for plant sites with less than 400 valves and owned by a corporation with less than 100 employees, each valve that is replaced for any reason shall be replaced with a new or modified valve that complies with the quality assurance standards for the valve category and that is identified as superior emission performance technology. Superior emission performance technology means valves or valve technologies identified with emission performance that, combined with appropriate process, operating, and maintenance practices, will result in less than 2 percent leaking valves for specific applications in a large population, except as provided in paragraph (e)(8)(ii) of this section.

(i) The valves shall be maintained as specified in the quality assurance program.

(ii) If a superior emission performance technology cannot be identified, then valve replacement shall be with one of (if several) the lowest emission performance technologies that has been identified for the specific application.

§ 63.176 Quality improvement program for pumps.

(a) In Phase III, if, on a 6-month rolling average, the greater of either 10 percent of the pumps in a process unit (or plant site) or three pumps in a process unit (or plant site) leak, the owner or operator shall comply with the requirements of this section as specified below:

(1) Pumps that are in food/medical service or in polymerizing monomer service shall comply with all requirements except for those specified in paragraph (d)(8) of this section.

(2) Pumps that are not in food/medical or polymerizing monomer service shall comply with
all requirements of this section.

(b) The owner or operator shall comply with the requirements of this section until the number of leaking pumps is less than the greater of either 10 percent of the pumps or three pumps, calculated as a 6-month rolling average, in the process unit (or plant site). Once the performance level is
achieved, the owner or operator shall comply with the requirements in § 63.163 of this subpart.

(c) If in a subsequent monitoring period, the process unit (or plant site) has greater than 10 percent
of the pumps leaking or three pumps leaking (calculated as a 6-month rolling average), the owner or operator shall resume the quality improvement program starting at performance trials.

(d) The quality improvement program shall include the following:

(1) The owner or operator shall comply with the requirements in § 63.163 of this subpart.

(2) The owner or operator shall collect the following data, and maintain records as required in § 63.181(h)(3), for each pump in each process unit (or plant site) subject to the quality improvement program. The data may be collected and the records may be maintained on a process unit or plant site basis.

(i) Pump type (e.g., piston, horizontal or vertical centrifugal, gear, bellows); pump manufacturer; seal type and manufacturer; pump design (e.g., external shaft, flanged body); materials of construction; if applicable, barrier fluid or packing material; and year installed.

(ii) Service characteristics of the stream such as discharge pressure, temperature, flow rate, corrosivity, and annual operating hours.

(iii) The maximum instrument readings observed in each monitoring observation before repair, response factor for the stream if appropriate, instrument model number, and date of the observation.

(iv) If a leak is detected, the repair methods used and the instrument readings after repair.

(v) If the data will be analyzed as part of a larger analysis program involving data from other plants or other types of process units, a description of any maintenance or quality assurance programs used in the process unit that are intended to improve emission performance.

(3) The owner or operator shall continue to collect data on the pumps as long as the process unit (or plant site) remains in the quality improvement program.

(4) The owner or operator shall inspect all pumps or pump seals which exhibited frequent seal failures and were removed from the process unit due to leaks. The inspection shall determine the probable cause of the pump seal failure or of the pump leak and shall include recommendations, as appropriate, for design changes or changes in specifications to reduce leak potential.

(5) (i) The owner or operator shall analyze the data collected to comply with the requirements of paragraph (d)(2) of this section to determine the services, operating or maintenance practices, and pump or pump seal designs or technologies that have poorer than average emission performance and those that have better than average emission performance. The analysis shall determine if specific trouble areas can be identified on the basis of service, operating conditions or maintenance practices, equipment design, or other process specific factors.

(ii) The analysis shall also be used to determine if there are superior performing pump or pump seal technologies that are applicable to the service(s), operating conditions, or pump or pump seal designs associated with poorer than average emission performance. A superior performing pump or pump seal technology is one with a leak frequency of less than 10 percent for specific applications in the process unit or plant site. A candidate superior performing pump or pump seal technology is one demonstrated or reported in the available literature or through a group study as having low emission performance and as being capable of achieving less than 10 percent leaking pumps in the process unit (or plant site).

(iii) The analysis shall include consideration of:

(A) The data obtained from the inspections of pumps and pump seals removed from the process unit due to leaks;

(B) Information from the available literature and from the experience of other plant sites that will identify pump designs or technologies and operating conditions associated with low emission performance for specific services; and

(C) Information on limitations on the service conditions for the pump seal technology operating conditions as well as information on maintenance procedures to ensure continued low emission performance.

(iv) The data analysis may be conducted through an inter- or intra-company program (or through some combination of the two approaches) and may be for a single process unit, a plant site, a company, or a group of process units.

(v) The first analysis of the data shall be completed no later than 18 months after the start of the quality improvement program. The first analysis shall be performed using a minimum of 6 months of data. An analysis of the data shall be done each year the process unit is in the quality improvement program.

(6) A trial evaluation program shall be conducted at each plant site for which the data analysis does not identify use of superior performing pump seal technology or pumps that can be applied to the areas identified as having poorer than average performance, except as provided in paragraph (d)(6)(v) of this section. The trial program shall be used to evaluate the feasibility of

using in the process unit (or plant site) the pump designs or seal technologies, and operating and maintenance practices that have been identified by others as having low emission performance.

(i) The trial program shall include on-line trials of pump seal technologies or pump designs and operating and maintenance practices that have been identified in the available literature or in analysis by others as having the ability to perform with leak rates below 10 percent in similar services, as having low probability of failure, or as having no external actuating mechanism in contact with the process fluid. If any of the candidate superior performing pump seal technologies or pumps is not included in the performance trials, the reasons for rejecting specific technologies from consideration shall be documented as required in § 63.181(h)(5)(ii).

(ii) The number of pump seal technologies or pumps in the trial evaluation program shall be the lesser of 1 percent or two pumps for programs involving single process units and the lesser of 1 percent or five pumps for programs involving a plant site or groups of process units. The minimum number of pumps or pump seal technologies in a trial program shall be one.

(iii) The trial evaluation program shall specify and include documentation of:

(A) The candidate superior performing pump seal designs or technologies to be evaluated, the stages for evaluating the identified candidate pump designs or pump seal technologies, including the time period necessary to test the applicability;

(B) The frequency of monitoring or inspection of the equipment;

(C) The range of operating conditions over which the component will be evaluated; and

(D) Conclusions regarding the emission performance and the appropriate operating conditions and services for the trial pump seal technologies or pumps.

(iv) The performance trials shall initially be conducted, at least, for a 6-month period beginning not later than 18 months after the start of the quality improvement program. No later than 24 months after the start of the quality improvement program, the owner or operator shall have identified pump seal technologies or pump designs that, combined with appropriate process, operating, and maintenance practices, operate with low emission performance for specific applications in the process unit. The owner or operator shall continue to conduct performance trials as long as no superior performing design or technology has been identified, except as provided in paragraph (d)(6)(vi) of this section. The initial list of superior emission performance pump designs or pump seal technologies shall be amended in the future, as appropriate, as additional information and experience is obtained.

(v) Any plant site with fewer than 400 valves and owned by a corporation with fewer than 100 employees shall be exempt from trial evaluations of pump seals or pump designs. Plant sites exempt from the trial evaluations of pumps shall begin the pump seal or pump replacement program at the start of the fourth year of the quality improvement program.

(vi) An owner or operator who has conducted performance trials on all alternative superior emission performance technologies suitable for the required applications in the process unit may stop conducting performance trials provided that a superior performing design or technology has been demonstrated or there are no technically feasible alternative superior technologies remaining. The owner or operator shall prepare an engineering evaluation documenting the physical, chemical, or engineering basis for the judgment that the superior emission performance technology is technically infeasible or demonstrating that it would not reduce emissions.

(7) Each owner or operator shall prepare and implement a pump quality assurance program that details purchasing specifications and maintenance procedures for all pumps and pump seals in the process unit. The quality assurance program may establish any number of categories, or classes, of pumps as needed to distinguish among operating conditions and services associated with poorer than average emission performance as well as those associated with better than average emission performance. The quality assurance program shall be developed

considering the findings of the data analysis required under paragraph (d)(5) of this section, if applicable, the findings of the trial evaluation required in paragraph (d)(6) of this section, and the operating conditions in the process unit. The quality assurance program shall be updated each year as long as the process unit has the greater of either 10 percent or more leaking pumps or has three leaking pumps.

(i) The quality assurance program shall:

(A) Establish minimum design standards for each category of pumps or pump seal technology. The design standards shall specify known critical parameters such as tolerance, manufacturer, materials of construction, previous usage, or other applicable identified critical parameters;

(B) Require that all equipment orders specify the design standard (or minimum tolerances) for the pump or the pump seal;

(C) Provide for an audit procedure for quality control of purchased equipment to ensure conformance with purchase specifications. The audit program may be conducted by the owner or operator of the plant site or process unit or by a designated representative; and

(D) Detail off-line pump maintenance and repair procedures. These procedures shall include provisions to ensure that rebuilt or refurbished pumps and pump seals will meet the design specifications for the pump category and will operate such that emissions are minimized.

(ii) The quality assurance program shall be established no later than the start of the third year of the quality improvement program for plant sites with 400 or more valves or 100 or more employees; and no later than the start of the fourth year of the quality improvement program for plant sites with less than 400 valves and less than 100 employees.

(8) Beginning at the start of the third year of the quality improvement program for plant sites with 400 or more valves or 100 or more employees and at the start of the fourth year of the quality improvement program for plant sites with less than 400 valves and less than 100 employees, the owner or operator shall replace, as described in paragraphs (d)(8)(i) and (d)(8)(ii) of this section, the pumps or pump seals that are not superior emission performance technology with pumps or pump seals that have been identified as superior emission performance technology and that comply with the quality assurance standards for the pump category. Superior emission performance technology is that category or design of pumps or pump seals with emission performance which, when combined with appropriate process, operating, and maintenance practices, will result in less than 10 percent leaking pumps for specific applications in the process unit or plant site. Superior emission performance technology includes material or design changes to the existing pump, pump seal, seal support system, installation of multiple mechanical seals or equivalent, or pump replacement.

(i) Pumps or pump seals shall be replaced at the rate of 20 percent per year based on the total number of pumps in light liquid service. The calculated value shall be rounded to the nearest nonzero integer value. The minimum number of pumps or pump seals shall be one. Pump replacement shall continue until all pumps subject to the requirements of § 63.163 of this subpart are pumps determined to be superior performance technology.

(ii) The owner or operator may delay replacement of pump seals or pumps with superior technology until the next planned process unit shutdown, provided the number of pump seals and pumps replaced is equivalent to the 20 percent or greater annual replacement rate.

(iii) The pumps shall be maintained as specified in the quality assurance program.

§ 63.177 Alternative means of emission limitation: General.

(a) Permission to use an alternative means of emission limitation under section 112(h)(3) of the

Act shall be governed by the following procedures in paragraphs (b) through (e) of this section.

(b) Where the standard is an equipment, design, or operational requirement:

(1) Each owner or operator applying for permission to use an alternative means of emission limitation under § 63.6(g) of subpart A of this part shall be responsible for collecting and verifying emission performance test data for an alternative means of emission limitation.

(2) The Administrator will compare test data for the means of emission limitation to test data for the equipment, design, and operational requirements.

(3) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emission reduction as the equipment, design, and operational requirements.

(c) Where the standard is a work practice:

(1) Each owner or operator applying for permission shall be responsible for collecting and verifying test data for an alternative means of emission limitation.

(2) For each kind of equipment for which permission is requested, the emission reduction achieved by the required work practices shall be demonstrated for a minimum period of 12 months.

(3) For each kind of equipment for which permission is requested, the emission reduction achieved by the alternative means of emission limitation shall be demonstrated.

(4) Each owner or operator applying for permission shall commit, in writing, for each kind of equipment to work practices that provide for emission reductions equal to or greater than the emission reductions achieved by the required work practices.

(5) The Administrator will compare the demonstrated emission reduction for the alternative
means of emission limitation to the demonstrated emission reduction for the required work practices and will consider the commitment in paragraph (c)(4) of this section.

(6) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same or greater emission reduction as the required work practices of this subpart.

(d) An owner or operator may offer a unique approach to demonstrate the alternative means of emission limitation.

(e) (1) Manufacturers of equipment used to control equipment leaks of an organic HAP may apply to the Administrator for permission for an alternative means of emission limitation that achieves a reduction in emissions of the organic HAP achieved by the equipment, design, and operational requirements of this subpart.

(2) The Administrator will grant permission according to the provisions of paragraphs (b), (c), and (d) of this section.

§ 63.178 Alternative means of emission limitation: Batch processes.

(a) As an alternative to complying with the requirements of §§ 63.163 through 63.171 and §§ 63.173 through 63.176, an owner or operator of a batch process that operates in organic HAP service during the calendar year may comply with one of the standards specified in paragraphs (b) and (c) of this section, or the owner or operator may petition for approval of an alternative standard under the provisions of § 63.177 of this subpart. The alternative standards of this section provide the options of pressure testing or monitoring the equipment for leaks. The owner or operator may switch among the alternatives provided the change is documented as specified in

§ 63.181.

(b) The following requirements shall be met if an owner or operator elects to use pressure testing of batch product-process equipment to demonstrate compliance with this subpart. An owner or operator who complies with the provisions of this paragraph is exempt from the monitoring provisions of § 63.163, §§ 63.168 and 63.169, and §§ 63.173 through 63.176 of this subpart.

(1) Each time equipment is reconfigured for production of a different product or intermediate, the batch product-process equipment train shall be pressure-tested for leaks before organic HAP is first fed to the equipment and the equipment is placed in organic HAP service.

(i) When the batch product-process train is reconfigured to produce a different product, pressure testing is required only for the new or disturbed equipment.

(ii) Each batch product process that operates in organic HAP service during a calendar year shall be pressure tested at least once during that calendar year.

(iii) Pressure testing is not required for routine seal breaks, such as changing hoses or filters, which are not part of the reconfiguration to produce a different product or intermediate.

(2) The batch product process equipment shall be tested either using the procedures specified in § 63.180(f) of this subpart for pressure or vacuum loss or with a liquid using the procedures specified in § 63.180(g) of this subpart.

(3) (i) For pressure or vacuum tests, a leak is detected if the rate of change in pressure is greater than 6.9 kilopascals (1 psig) in 1 hour or if there is visible, audible, or olfactory evidence of fluid loss.

(ii) For pressure tests using a liquid, a leak is detected if there are indications of liquids dripping or if there is other evidence of fluid loss.

(4) (i) If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before start-up of the process.

(ii) If a batch product-process fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but not later than 30 calendar days after the second pressure test, provided the conditions specified in paragraph (d) of this section are met.

(c) The following requirements shall be met if an owner or operator elects to monitor the equipment
to detect leaks by the method specified in § 63.180(b) of this subpart to demonstrate compliance with this subpart.

(1) The owner or operator shall comply with the requirements of §§ 63.163 through 63.170, and §§ 63.172 through 63.176 of this subpart.

(2) The equipment shall be monitored for leaks by the method specified in § 63.180(b) of this subpart when the equipment is in organic HAP service, in use with an acceptable surrogate volatile organic compound which is not an organic HAP, or is in use with any other detectable gas or vapor.

(3) The equipment shall be monitored for leaks as specified below:

(i) Each time the equipment is reconfigured for the production of a new product, the reconfigured equipment shall be monitored for leaks within 30 days of start-up of the process. This initial monitoring of reconfigured equipment shall not be included in determining percent leaking equipment in the process unit.

(ii) Connectors shall be monitored in accordance with the requirements in § 63.174 of this subpart.

(iii) Equipment other than connectors shall be monitored at the frequencies specified in table 1 of this subpart. The operating time shall be determined as the proportion of the year the batch product-process that is subject to the provisions of this subpart is operating.

(iv) The monitoring frequencies specified in table 1 of this subpart are not requirements for monitoring at specific intervals and can be adjusted to accommodate process operations. An owner or operator may monitor anytime during the specified monitoring period (e.g., month, quarter, year), provided the monitoring is conducted at a reasonable interval after completion of the last monitoring campaign. For example, if the equipment is not operating during the scheduled monitoring period, the monitoring can be done during the next period when the process is operating.

(4) If a leak is detected, it shall be repaired as soon as practicable but not later than 15 calendar days after it is detected, except as provided in paragraph (d) of this section.

(d) Delay of repair of equipment for which leaks have been detected is allowed if the replacement equipment is not available providing the following conditions are met:

(1) Equipment supplies have been depleted and supplies had been sufficiently stocked before the supplies were depleted.

(2) The repair is made no later than 10 calendar days after delivery of the replacement equipment.

§ 63.179 Alternative means of emission limitation: Enclosed-vented process units.

Process units enclosed in such a manner that all emissions from equipment leaks are vented through a closed-vent system to a control device meeting the requirements of § 63.172 of this subpart are exempt from the requirements of § 63.163, through 63.171, and §§ 63.173 and 63.174 of this subpart. The enclosure shall be maintained under a negative pressure at all times while the process unit is in operation to ensure that all emissions are routed to a control device.

§ 63.180 Test methods and procedures.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the test methods and procedures requirements provided in this section.

(b) Monitoring, as required under this subpart, shall comply with the following requirements:

(1) Monitoring shall comply with Method 21 of 40 CFR part 60, appendix A.

(2) (i) Except as provided for in paragraph (b)(2)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 shall be for the average composition of the process fluid not each individual VOC in the stream. For process streams that contain nitrogen, water, air, or other inerts which are not organic HAP's or VOC's, the average stream response factor may be calculated on an inert-free basis. The response factor may be determined at any concentration for which monitoring for leaks will be conducted.

(ii) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (b)(2)(i) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (b)(2)(i) of this section.

(3) The instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

(4) Calibration gases shall be:

(i) Zero air (less than 10 parts per million of hydrocarbon in air); and

(ii) Mixtures of methane in air at the concentrations specified in paragraphs (b)(4)(ii)(A) through (b)(4)(ii)(C) of this section. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (b)(2)(i) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(A) For Phase I, a mixture of methane or other compounds, as applicable, in air at a concentration of approximately, but less than, 10,000 parts per million.

(B) For Phase II, a mixture of methane or other compounds, as applicable, and air at a concentration of approximately, but less than, 10,000 parts per million for agitators, 5,000 parts per million for pumps, and 500 parts per million for all other equipment, except as provided in paragraph (b)(4)(iii) of this section.

(C) For Phase III, a mixture of methane or other compounds, as applicable, and air at a concentration of approximately, but less than, 10,000 parts per million methane for agitators; 2,000 parts per million for pumps in food/medical service; 5,000 parts per million for pumps in polymerizing monomer service; 1,000 parts per million for all other pumps; and 500 parts per million for all other equipment, except as provided in paragraph (b)(4)(iii) of this section.

(iii) The instrument may be calibrated at a higher methane concentration than the concentration specified for that piece of equipment. The concentration of the calibration gas may exceed the concentration specified as a leak by no more than 2,000 parts per million. If the monitoring instrument's design allows for multiple calibration scales, then the lower scale shall be calibrated with a calibration gas that is no higher than 2,000 parts per million above the concentration specified as a leak and the highest scale shall be calibrated with a calibration gas that is approximately equal to 10,000 parts per million. If only one scale on an instrument will be used during monitoring, the owner or operator need not calibrate the scales that will not be used during that day's monitoring.

(5) Monitoring shall be performed when the equipment is in organic HAP service, in use with an acceptable surrogate volatile organic compound which is not an organic HAP, or is in use with any other detectable gas or vapor.

(6) Monitoring data that do not meet the criteria specified in paragraphs (b)(1) through (b)(5) of this section may be used to qualify for less frequent monitoring under the provisions in § 63.168(d)(2) and (d)(3) or § 63.174(b)(3)(ii) or (b)(3)(iii) of this subpart provided the data meet the conditions specified in paragraphs (b)(6)(i) and (b)(6)(ii) of this section.

(i) The data were obtained before April 22, 1994.

(ii) The departures from the criteria specified in paragraphs (b)(1) through (b)(5) of this section or from the specified monitoring frequency of § 63.168(c) are minor and do not significantly affect the quality of the data. Examples of minor departures are monitoring at a slightly different frequency (such as every six weeks instead of monthly or quarterly), following the performance criteria of section 3.1.2(a) of Method 21 of appendix A of 40 CFR part 60 instead of paragraph (b)(2) of this section, or monitoring at a different leak definition if the data would indicate the presence or absence of a leak at the concentration specified in this subpart. Failure to use a calibrated instrument is not considered a minor departure.

(c) When equipment is monitored for compliance as required in §§ 63.164(i), 63.165(a), and 63.172(f) or when equipment subject to a leak definition of 500 ppm is monitored for leaks as required by this subpart, the owner or operator may elect to adjust or not to adjust the instrument readings for background. If an owner or operator elects to not adjust instrument readings for background, the owner or operator shall monitor the equipment according to the procedures specified in paragraphs (b)(1) through (b)(4) of this section. In such case, all instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If

an owner or operator elects to adjust instrument readings for background, the owner or operator shall monitor the equipment according to the procedures specified in paragraphs (c)(1) through (c)(4) of this section.

(1) The requirements of paragraphs (b) (1) through (4) of this section shall apply.

(2) The background level shall be determined, using the same procedures that will be used to determine whether the equipment is leaking.

(3) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21 of 40 CFR part 60, appendix A.

(4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 parts per million for determining compliance.

(d) (1) Each piece of equipment within a process unit that can reasonably be expected to contain equipment in organic HAP service is presumed to be in organic HAP service unless an owner or operator demonstrates that the piece of equipment is not in organic HAP service. For a piece of equipment to be considered not in organic HAP service, it must be determined that the percent organic HAP content can be reasonably expected not to exceed 5 percent by weight on an annual average basis. For purposes of determining the percent organic HAP content of the process fluid that is contained in or contacts equipment, Method 18 of 40 CFR part 60, appendix A shall be used.

(2) (i) An owner or operator may use good engineering judgment rather than the procedures in paragraph (d)(1) of this section to determine that the percent organic HAP content does not exceed 5 percent by weight. When an owner or operator and the Administrator do not agree on whether a piece of equipment is not in organic HAP service, however, the procedures in paragraph (d)(1) of this section shall be used to resolve the disagreement.

(ii) Conversely, the owner or operator may determine that the organic HAP content of the process fluid does not exceed 5 percent by weight by, for example, accounting for 98 percent of the content and showing that organic HAP is less than 3 percent.

(3) If an owner or operator determines that a piece of equipment is in organic HAP service, the determination can be revised after following the procedures in paragraph (d)(1) of this section, or by documenting that a change in the process or raw materials no longer causes the equipment to
be in organic HAP service.

(4) Samples used in determining the percent organic HAP content shall be representative of the process fluid that is contained in or contacts the equipment.

(e) When a flare is used to comply with § 63.172(d) of this subpart, the compliance determination shall be conducted using Method 22 of 40 CFR part 60, appendix A to determine visible emissions.

(f) The following procedures shall be used to pressure test batch product-process equipment for pressure or vacuum loss to demonstrate compliance with the requirements of § 63.178(b)(3)(i) of this subpart.

(1) The batch product-process equipment train shall be pressurized with a gas to a pressure less than the set pressure of any safety relief devices or valves or to a pressure slightly above the operating pressure of the equipment, or alternatively, the equipment shall be placed under a vacuum.

(2) Once the test pressure is obtained, the gas source or vacuum source shall be shut off.

(3) The test shall continue for not less than 15 minutes unless it can be determined in a shorter period of time that the allowable rate of pressure drop or of pressure rise was exceeded.

The pressure in the batch product-process equipment shall be measured after the gas or vacuum source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using the following equation:

$$\Delta \frac{P}{t} = \frac{\left(\left|P_f - P_i\right|\right)}{\left(t_f - t_i\right)}$$

where:

$\Delta P/t$ = Change in pressure, psig/hr.
P_f = Final pressure, psig.
P_i = Initial pressure, psig.
$t_f - t_i$ = Elapsed time, hours.

(4) The pressure shall be measured using a pressure measurement device (gauge, manometer, or equivalent) which has a precision of ±2.5 millimeter mercury in the range of test pressure and is capable of measuring pressures up to the relief set pressure of the pressure relief device. If such a pressure measurement device is not reasonably available, the owner or operator shall use a pressure measurement device with a precision of at least +10 percent of the test pressure of the equipment and shall extend the duration of the test for the time necessary to detect a pressure loss or rise that equals a rate of one psig per hour.

(5) An alternative procedure may be used for leak testing the equipment if the owner or operator demonstrates the alternative procedure is capable of detecting a pressure loss or rise.

(g) The following procedures shall be used to pressure-test batch product-process equipment using a liquid to demonstrate compliance with the requirements of § 63.178(b)(3)(ii) of this subpart.

(1) The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol) until normal operating pressure is obtained. Once the equipment is filled, the liquid source shall be shut off.

(2) The test shall be conducted for a period of at least 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

(3) Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

(4) An alternative procedure may be used for leak testing the equipment, if the owner or operator demonstrates the alternative procedure is capable of detecting losses of fluid.

§ 63.181 Recordkeeping requirements.

(a) An owner or operator of more than one process unit subject to the provisions of this subpart may comply with the recordkeeping requirements for these process units in one recordkeeping system if the system identifies each record by process unit and the program being implemented (e.g., quarterly monitoring, quality improvement) for each type of equipment. All records and information required by this section shall be maintained in a manner that can be readily accessed at the plant site. This could include physically locating the records at the plant site or accessing the
records from a central location by computer at the plant site.

(b) Except as provided in paragraph (e) of this section, the following information pertaining to all equipment in each process unit subject to the requirements in §§ 63.162 through 63.174 of this subpart shall be recorded:

(1) (i) A list of identification numbers for equipment (except connectors exempt from monitoring and recordkeeping identified in § 63.174 of this subpart and instrumentation systems) subject to the requirements of this subpart. Connectors need not be individually identified if all connectors in a designated area or length of pipe subject to the provisions of this subpart are identified as a group, and the number of connectors subject is indicated. With respect to connectors, the list shall be complete no later than the completion of the initial survey required by § 63.174 (b)(1) or (b)(2) of this subpart.

(ii) A schedule by process unit for monitoring connectors subject to the provisions of § 63.174(a) of this subpart and valves subject to the provisions of § 63.168(d) of this subpart.

(iii) Physical tagging of the equipment to indicate that it is in organic HAP service is not required. Equipment subject to the provisions of this subpart may be identified on a plant site plan, in log entries, or by other appropriate methods.

(2) (i) A list of identification numbers for equipment that the owner or operator elects to equip with a closed-vent system and control device, under the provisions of § 63.163(g), § 63.164(h), § 63.165(c), or § 63.173(f) of this subpart.

(ii) A list of identification numbers for compressors that the owner or operator elects to designate as operating with an instrument reading of less than 500 parts per million above background, under the provisions of § 63.164(i) of this subpart.

(iii) Identification of surge control vessels or bottoms receivers subject to the provisions of this subpart that the owner or operator elects to equip with a closed-vent system and control device, under the provisions of § 63.170 of this subpart.

(3) (i) A list of identification numbers for pressure relief devices subject to the provisions in § 63.165(a) of this subpart.

(ii) A list of identification numbers for pressure relief devices equipped with rupture disks, under the provisions of § 63.165(d) of this subpart.

(4) Identification of instrumentation systems subject to the provisions of this subpart. Individual components in an instrumentation system need not be identified.

(5) Identification of screwed connectors subject to the requirements of § 63.174(c)(2) of this subpart. Identification can be by area or grouping as long as the total number within each group or area is recorded.

(6) The following information shall be recorded for each dual mechanical seal system:

(i) Design criteria required in §§ 63.163(e)(6)(i), 63.164(e)(2), and 63.173(d)(6)(i) of this subpart and an explanation of the design criteria; and

(ii) Any changes to these criteria and the reasons for the changes.

(7) The following information pertaining to all pumps subject to the provisions of § 63.163(j), valves subject to the provisions of § 63.168(h) and (i) of this subpart, agitators subject to the provisions of § 63.173(h) through (j), and connectors subject to the provisions of § 63.174(f) and (g) of this subpart shall be recorded:

(i) Identification of equipment designated as unsafe to monitor, difficult to monitor, or unsafe to inspect and the plan for monitoring or inspecting this equipment.

(ii) A list of identification numbers for the equipment that is designated as difficult to monitor, an explanation of why the equipment is difficult to monitor, and the planned schedule for monitoring this equipment.

(iii) A list of identification numbers for connectors that are designated as unsafe to repair and an explanation why the connector is unsafe to repair.

(8) (i) A list of valves removed from and added to the process unit, as described in § 63.168(e)(1) of this subpart, if the net credits for removed valves is expected to be used.

(ii) A list of connectors removed from and added to the process unit, as described in § 63.174(i)(1) of this subpart, and documentation of the integrity of the weld for any removed connectors, as required in § 63.174(j) of this subpart. This is not required unless the net credits for removed connectors is expected to be used.

(9) (i) For batch process units that the owner or operator elects to monitor as provided under § 63.178(c) of this subpart, a list of equipment added to batch product process units since the last monitoring period required in § 63.178(c)(3)(ii) and (3)(iii) of this subpart.

(ii) Records demonstrating the proportion of the time during the calendar year the equipment is in use in a batch process that is subject to the provisions of this subpart. Examples of suitable documentation are records of time in use for individual pieces of equipment or average time in use for the process unit. These records are not required if the owner or operator does not adjust monitoring frequency by the time in use, as provided in § 63.178(c)(3)(iii) of this subpart.

(10) For any leaks detected as specified in Sec. Sec. 63.163 and 63.164; Sec. Sec. 63.168 and 63.169; and Sec. Sec. 63.172 through 63.174 of this subpart, a weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.

(c) For visual inspections of equipment subject to the provisions of this subpart (e.g., § 63.163(b)(3), § 63.163(e)(4)(i)), the owner or operator shall document that the inspection was conducted and the date of the inspection. The owner or operator shall maintain records as specified in paragraph (d) of this section for leaking equipment identified in this inspection, except as provided in paragraph (e) of this section. These records shall be retained for 2 years.

(d) When each leak is detected as specified in §§ 63.163 and 63.164; §§ 63.168 and 63.169; and §§ 63.172 through 63.174 of this subpart, the following information shall be recorded and kept for
2 years:

(1) The instrument and the equipment identification number and the operator name, initials, or identification number.

(2) The date the leak was detected and the date of first attempt to repair the leak.

(3) The date of successful repair of the leak.

(4) Maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A after it is successfully repaired or determined to be non-repairable.

(5) ‘‘Repair delayed’’ and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. The written procedures may be included as part of the startup/shutdown/malfunction plan, required by § 63.6(e)(3), for the source or may be part of a separate document that is maintained at the plant site. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

(ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

(6) Dates of process unit shutdowns that occur while the equipment is unrepaired.

(7) (i) Identification, either by list, location (area or grouping), or tagging of connectors that have been opened or otherwise had the seal broken since the last monitoring period required in § 63.174(b) of this subpart, as described in § 63.174(c)(1) of this subpart, unless the owner or operator elects to comply with the provisions of § 63.174(c)(1)(ii) of this subpart.

(ii) The date and results of monitoring as required in § 63.174(c) of this subpart. If identification of connectors that have been opened or otherwise had the seal broken is made by location under paragraph (d)(7)(i) of this section, then all connectors within the designated location shall be monitored.

(8) The date and results of the monitoring required in § 63.178(c)(3)(i) of this subpart for equipment added to a batch process unit since the last monitoring period required in § 63.178 (c)(3)(ii) and (c)(3)(iii) of this subpart. If no leaking equipment is found in this monitoring, the owner or operator shall record that the inspection was performed. Records of the actual monitoring results are not required.

(9) Copies of the periodic reports as specified in § 63.182(d) of this subpart, if records are not maintained on a computerized database capable of generating summary reports from the records.

(e) The owner or operator of a batch product process who elects to pressure test the batch product process equipment train to demonstrate compliance with this subpart is exempt from the requirements of paragraphs (b), (c), (d), and (f) of this section. Instead, the owner or operator shall maintain records of the following information:

(1) The identification of each product, or product code, produced during the calendar year. It is not necessary to identify individual items of equipment in a batch product process equipment train.

(2) [Reserved]

(3) Physical tagging of the equipment to identify that it is in organic HAP service and subject to the provisions of this subpart is not required. Equipment in a batch product process subject to the provisions of this subpart may be identified on a plant site plan, in log entries, or by other appropriate methods.

(4) The dates of each pressure test required in § 63.178(b) of this subpart, the test pressure, and the pressure drop observed during the test.

(5) Records of any visible, audible, or olfactory evidence of fluid loss.

(6) When a batch product process equipment train does not pass two consecutive pressure tests, the following information shall be recorded in a log and kept for 2 years:

(i) The date of each pressure test and the date of each leak repair attempt.

(ii) Repair methods applied in each attempt to repair the leak.

(iii) The reason for the delay of repair.

(iv) The expected date for delivery of the replacement equipment and the actual date of delivery of the replacement equipment.

(v) The date of successful repair.

(f) The dates and results of each compliance test required for compressors subject to the provisions in § 63.164(i) and the dates and results of the monitoring following a pressure release for each pressure relief device subject to the provisions in §§ 63.165 (a) and (b) of this subpart. The results shall include:

(1) The background level measured during each compliance test.

(2) The maximum instrument reading measured at each piece of equipment during each compliance test.

(g) The owner or operator shall maintain records of the information specified in paragraphs (g)(1) through (g)(3) of this section for closed-vent systems and control devices subject to the provisions
of § 63.172 of this subpart. The records specified in paragraph (g)(1) of this section shall be retained for the life of the equipment. The records specified in paragraphs (g)(2) and (g)(3) of this section shall be retained for 2 years.

(1) The design specifications and performance demonstrations specified in paragraphs (g)(1)(i) through (g)(1)(iv) of this section.

(i) Detailed schematics, design specifications of the control device, and piping and instrumentation diagrams.

(ii) The dates and descriptions of any changes in the design specifications.

(iii) The flare design (i.e., steam-assisted, air-assisted, or non-assisted) and the results of the compliance demonstration required by § 63.11(b) of subpart A of this part.

(iv) A description of the parameter or parameters monitored, as required in § 63.172(e) of this subpart, to ensure that control devices are operated and maintained in conformance with their design and an explanation of why that parameter (or parameters) was selected for the monitoring.

(2) Records of operation of closed-vent systems and control devices, as specified in paragraphs (g)(2)(i) through (g)(2)(iii) of this section.

(i) Dates and durations when the closed-vent systems and control devices required in §§ 63.163 through 63.166, and § 63.170 of this subpart are not operated as designed as indicated by the monitored parameters, including periods when a flare pilot light system does not have a flame.

(ii) Dates and durations during which the monitoring system or monitoring device is inoperative.

(iii) Dates and durations of start-ups and shutdowns of control devices required in §§ 63.163 through 63.166, and § 63.170 of this subpart.

(3) Records of inspections of closed-vent systems subject to the provisions of § 63.172, as specified in paragraphs (g)(3)(i) through (g)(3)(ii) of this section.

(i) For each inspection conducted in accordance with the provisions of § 63.172(f)(1) or (f)(2) of this subpart during which no leaks were detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(ii) For each inspection conducted in accordance with the provisions of § 63.172(f)(1) or (f)(2) of this subpart during which leaks were detected, the information specified in paragraph (d) of this section shall be recorded.

(h) Each owner or operator of a process unit subject to the requirements of §§ 63.175 and 63.176 of this subpart shall maintain the records specified in paragraphs (h)(1) through (h)(9) of this section for the period of the quality improvement program for the process unit.

(1) For owners or operators who elect to use a reasonable further progress quality improvement program, as specified in § 63.175(d) of this subpart:

(i) All data required in § 63.175(d)(2) of this subpart.

(ii) The percent leaking valves observed each quarter and the rolling average percent reduction observed in each quarter.

(iii) The beginning and ending dates while meeting the requirements of § 63.175(d) of this subpart.

(2) For owners or operators who elect to use a quality improvement program of technology review and improvement, as specified in § 63.175(e) of this subpart:

(i) All data required in § 63.175(e)(2) of this subpart.

(ii) The percent leaking valves observed each quarter.

(iii) Documentation of all inspections conducted under the requirements of § 63.175(e)(4) of this subpart, and any recommendations for design or specification changes to reduce leak frequency.

(iv) The beginning and ending dates while meeting the requirements of § 63.175(e) of this subpart.

(3) For owners or operators subject to the requirements of the pump quality improvement program as specified in § 63.176 of this subpart:

(i) All data required in § 63.176(d)(2) of this subpart.

(ii) The rolling average percent leaking pumps.

(iii) Documentation of all inspections conducted under the requirements of § 63.176(d)(4) of this subpart, and any recommendations for design or specification changes to reduce leak frequency.

(iv) The beginning and ending dates while meeting the requirements of § 63.176(d) of this subpart.

(4) If a leak is not repaired within 15 calendar days after discovery of the leak, the reason for the delay and the expected date of successful repair.

(5) Records of all analyses required in §§ 63.175(e) and 63.176(d) of this subpart. The records will include the following:

(i) A list identifying areas associated with poorer than average performance and the associated service characteristics of the stream, the operating conditions and maintenance practices.

(ii) The reasons for rejecting specific candidate superior emission performing valve or pump technology from performance trials.

(iii) The list of candidate superior emission performing valve or pump technologies, and documentation of the performance trial program items required under §§ 63.175(e)(6)(iii) and 63.176(d)(6)(iii) of this subpart.

(iv) The beginning date and duration of performance trials of each candidate superior emission performing technology.

(6) All records documenting the quality assurance program for valves or pumps as specified in §§ 63.175(e)(7) and 63.176(d)(7) of this subpart.

(7) Records indicating that all valves or pumps replaced or modified during the period of the quality improvement program are in compliance with the quality assurance requirements in § 63.175(e)(7) and § 63.176(d)(7) of this subpart.

(8) Records documenting compliance with the 20 percent or greater annual replacement rate for pumps as specified in § 63.176(d)(8) of this subpart.

(9) Information and data to show the corporation has fewer than 100 employees, including employees providing professional and technical contracted services.

(i) The owner or operator of equipment in heavy liquid service shall comply with the requirements of either paragraph (i)(1) or (i)(2) of this section, as provided in paragraph (i)(3) of this section.

(1) Retain information, data, and analyses used to determine that a piece of equipment is in heavy liquid service.

(2) When requested by the Administrator, demonstrate that the piece of equipment or process is in heavy liquid service.

(3) A determination or demonstration that a piece of equipment or process is in heavy liquid service shall include an analysis or demonstration that the process fluids do not meet the definition of ‘‘in light liquid service.’’ Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(j) Identification, either by list, location (area or group) of equipment in organic HAP service less than 300 hours per year within a process unit subject to the provisions of this subpart under § 63.160 of this subpart.

(k) Owners and operators choosing to comply with the requirements of § 63.179 of this subpart shall maintain the following records:

(1) Identification of the process unit(s) and the organic HAP's they handle.

(2) A schematic of the process unit, enclosure, and closed-vent system.

(3) A description of the system used to create a negative pressure in the enclosure to ensure that all emissions are routed to the control device.

§ 63.182 Reporting requirements.

(a) Each owner or operator of a source subject to this subpart shall submit the reports listed in paragraphs (a)(1) through (a)(5) of this section. Owners or operators requesting an extension of compliance shall also submit the report listed in paragraph (a)(6) of this section.

(1) An Initial Notification described in paragraph (b) of this section, and

(2) A Notification of Compliance Status described in paragraph (c) of this section,

(3) Periodic Reports described in paragraph (d) of this section, and

(4)–(5) [Reserved]

(6) Pursuant to section 112(i)(3)(B) of the Act, an owner or operator may request an extension allowing an existing source up to 1 additional year beyond the compliance date specified in the subpart that references this subpart.

(i) For purposes of this subpart, a request for an extension shall be submitted to the operating permit authority as part of the operating permit application. If the State in which the source is located does not have an approved operating permit program, a request for an extension shall be submitted to the Administrator as a separate submittal. The dates specified in § 63.6(i) of subpart A of this part for submittal of requests for extensions shall not apply to sources subject to this subpart.

(ii) A request for an extension of compliance must include the data described in § 63.6(i)(6)(i)(A), (B), and (D) of subpart A of this part.

(iii) The requirements in § 63.6(i)(8) through (i)(14) of subpart A of this part will govern the review and approval of requests for extensions of compliance with this subpart.

(b) Each owner or operator of an existing or new source subject to the provisions of this subpart shall submit a written Initial Notification to the Administrator, containing the information described in paragraph (b)(1), according to the schedule in paragraph (b)(2) of this section. The Initial Notification provisions in § 63.9(b)(1) through (b)(3) of subpart A of this part shall not apply to owners or operators of sources subject to this subpart.

(1) The Initial Notification shall include the following information:

(i) The name and address of the owner or operator;

(ii) The address (physical location) of the affected source;

(iii) An identification of the chemical manufacturing processes subject to this subpart; and

(iv) A statement of whether the source can achieve compliance by the applicable compliance date specified in the subpart in 40 CFR part 63 that references this subpart.

(2) The Initial Notification shall be submitted according to the schedule in paragraph (b)(2)(i), (b)(2)(ii), or (b)(2)(iii) of this section, as applicable.

(i) For an existing source, the Initial Notification shall be submitted within 120 days after the date of promulgation of the subpart that references this subpart.

(ii) For a new source that has an initial start-up 90 days after the date of promulgation of this subpart or later, the application for approval of construction or reconstruction required by § 63.5(d) of subpart A of this part shall be submitted in lieu of the Initial Notification. The application shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but it need not be sooner than 90 days after the date of promulgation of the subpart that references this subpart).

(iii) For a new source that has an initial start-up prior to 90 days after the date of promulgation of the applicable subpart, the Initial Notification shall be submitted within 90 days after the date of promulgation of the subpart that references this subpart.

(c) Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status within 90 days after the compliance dates specified in the subpart in 40 CFR part 63 that references this subpart, except as provided in paragraph (c)(4) of this section.

(1) The notification shall provide the information listed in paragraphs (c)(1)(i) through (c)(1)(iv) of this section for each process unit subject to the requirements of § 63.163 through § 63.174 of this subpart.

(i) Process unit identification.

(ii) Number of each equipment type (e.g., valves, pumps) excluding equipment in vacuum service.

(iii) Method of compliance with the standard (for example, ‘‘monthly leak detection and repair’’ or ‘‘equipped with dual mechanical seals’’).

(iv) Planned schedule for each phase of the requirements in § 63.163 and § 63.168 of this subpart.

(2) The notification shall provide the information listed in paragraphs (c)(2)(i) and (c)(2)(ii) of this section for each process unit subject to the requirements of § 63.178(b) of this subpart.

(i) Batch products or product codes subject to the provisions of this subpart, and

(ii) Planned schedule for pressure testing when equipment is configured for production of products subject to the provisions of this subpart.

(3) The notification shall provide the information listed in paragraphs (c)(3)(i) and (c)(3)(ii) of this section for each process unit subject to the requirements in § 63.179 of this subpart.

(i) Process unit identification.

(ii) A description of the system used to create a negative pressure in the enclosure and the control device used to comply with the requirements of § 63.172 of this subpart.

(4) For existing sources subject to subpart F of this part, the Notification of Compliance Status shall be submitted for the group of process units with the earliest compliance date specified in § 63.100(k) of subpart F of this part, by no later than 90 days after the compliance date for that group. The Notification of Compliance Status for each subsequent group shall be submitted as part
of the first periodic report that is due not less than 90 days after the compliance date for that group.

(d) The owner or operator of a source subject to this subpart shall submit Periodic Reports.

(1) A report containing the information in paragraphs (d)(2), (d)(3), and (d)(4) of this section shall be submitted semiannually starting 6 months after the Notification of Compliance Status, as required in paragraph (c) of this section. The first periodic report shall cover the first 6

months after the compliance date specified in § 63.100(k)(3) of subpart F. Each subsequent periodic report shall cover the 6 month period following the preceding period.

(2) For each process unit complying with the provisions of § 63.163 through § 63.174 of this subpart, the summary information listed in paragraphs (i) through (xvi) of this paragraph for each monitoring period during the 6-month period.

(i) The number of valves for which leaks were detected as described in § 63.168(b) of this subpart, the percent leakers, and the total number of valves monitored;

(ii) The number of valves for which leaks were not repaired as required in § 63.168(f) of this subpart, identifying the number of those that are determined nonrepairable;

(iii) The number of pumps for which leaks were detected as described in § 63.163(b) of this subpart, the percent leakers, and the total number of pumps monitored;

(iv) The number of pumps for which leaks were not repaired as required in § 63.163(c) of this subpart;

(v) The number of compressors for which leaks were detected as described in § 63.164(f) of this subpart;

(vi) The number of compressors for which leaks were not repaired as required in § 63.164(g) of this subpart;

(vii) The number of agitators for which leaks were detected as described in § 63.173(a) and (b) of this subpart;

(viii) The number of agitators for which leaks were not repaired as required in § 63.173(c) of this subpart;

(ix) The number of connectors for which leaks were detected as described in § 63.174(a) of this subpart, the percent of connectors leaking, and the total number of connectors monitored;

(x) [Reserved]

(xi) The number of connectors for which leaks were not repaired as required in § 63.174(d) of this subpart, identifying the number of those that are determined nonrepairable;

(xii) [Reserved]

(xiii) The facts that explain any delay of repairs and, where appropriate, why a process unit shutdown was technically infeasible.

(xiv) The results of all monitoring to show compliance with §§ 63.164(i), 63.165(a), and 63.172(f) of this subpart conducted within the semiannual reporting period.

(xv) If applicable, the initiation of a monthly monitoring program under § 63.168(d)(1)(i) of this subpart, or a quality improvement program under either §§ 63.175 or 63.176 of this subpart.

(xvi) If applicable, notification of a change in connector monitoring alternatives as described in § 63.174(c)(1) of this subpart.

(xvii) If applicable, the compliance option that has been selected under § 63.172(n).

(3) For owners or operators electing to meet the requirements of § 63.178(b) of this subpart, the report shall include the information listed in paragraphs (i) through (v) of this paragraph for each process unit.

(i) Batch product process equipment train identification;

(ii) The number of pressure tests conducted;

(iii) The number of pressure tests where the equipment train failed the pressure test;

(iv) The facts that explain any delay of repairs; and

(v) The results of all monitoring to determine compliance with § 63.172(f) of this subpart.

(4) The information listed in paragraph (c) of this section for the Notification of Compliance Status for process units with later compliance dates. Any revisions to items reported in earlier Notification of Compliance Status, if the method of compliance has changed since the last report.

§63.183 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a 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 Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in Sec. Sec. 63.160, 63.162 through 63.176, 63.178 through 63.179. Follow the applicable procedures of Sec. 63.177 to request an alternative means of emission limitation for batch processes and enclosed-vented process units. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart.

(2) Approval of major alternatives to test methods under Sec. 63.7(e)(2)(ii) and (f), as defined in Sec. 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under Sec. 63.8(f), as defined in Sec. 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under Sec. 63.10(f), as defined in Sec. 63.90, and as required in this subpart.

TABLE 1 TO SUBPART H - BATCH PROCESSES

Monitoring Frequency for Equipment Other than Connectors

Operating time (% of year)	Equivalent continuous process monitoring frequency time in use		
	Monthly	Quarterly	Semiannually
0 to <25	Quarterly	Annually	Annually.
25 to <50	Quarterly	Semiannually	Annually.
50 to <75	Bimonthly	Three times	Semiannually.
75 to 100	Monthly	Quarterly	Semiannually.

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TABLE 2 TO SUBPART H - SURGE CONTROL VESSELS AND BOTTOMS RECEIVERS AT EXISTING SOURCES

Vessel capacity (cubic meters)	Vapor pressure[1] (kilopascals)
75 ≤ capacity < 151	≥ 13.1
151 ≤ capacity	≥ 5.2 a

[1] Maximum true vapor pressure of total organic HAP at operating temperature as defined in subpart G of this part.

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TABLE 3 TO SUBPART H - SURGE CONTROL VESSELS AND BOTTOMS RECEIVERS AT NEW SOURCES

Vessel capacity (cubic meters)	Vapor pressure[1] (kilopascals)
38 ≤ capacity < 151	≥ 13.1
151 ≤ capacity	≥ 0.7

[1] Maximum true vapor pressure of total organic HAP at operating temperature as defined in subpart G of this part.

Appendix to Subpart H- General Provisions to Subpart F, G, and H to Subpart F

§ 63.1 Applicability.

(a) *General.*

(1) Terms used throughout this part are defined in § 63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in § 63.2. **Overlap clarified in Sec. 63.101, 63.111, 63.161.**

(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. **Sec. 63.110 and 63.160(b) of subparts G and H identify which standards are overridden.**

(4) **Subpart F specifies applicability of each paragraph in subpart A to Subparts F, G, and H.**

(5) [Reserved]

(6) **[Reserved]**

(7) [Reserved]

(8) [Reserved]

(9) [Reserved]

(10) **Subpart F, G, and H specify calendar or operating day.**

(11) **Subpart F Sec. 63.103(d) specifies acceptable methods for submitting reports.**

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

(13) [Reserved]

(14) [Reserved]

(b) *Initial applicability determination for this part.*

(1) **Subpart F specifies applicability**

(2) [Reserved]

(3) **[Reserved]**

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

(1) Subpart F specifies applicability

(2) Area Sources are not subject to subparts F, G, and H.

(3) [Reserved]

(4) [Reserved]

(5) **Subpart G and H specify applicable notification requirements**

(d) [Reserved]

(e) **Subparts F, G, and H established before permit program.**

§ 63.2 Definitions.

Subpart F Sec. 63.101(a) specifies those subpart A definitions that apply to the HON, Subpart F definition of "source" is equivalent to subpart A definition of "affected source."

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

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

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

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

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

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

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

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in 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 non-compliance 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 enforceable" by EPA;

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

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

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

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

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

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

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

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

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

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," and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term "new affected source," which will

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

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

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

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

(7) Feasibility and cost of monitoring; and

(8) Other relevant factors.

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

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).

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 means the replacement of components of an affected or a previously unaffected stationary source to such an extent that:

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

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

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

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

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

Responsible official means one of the following:

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

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

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

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

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

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

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

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

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

Standard conditions means a temperature of 293 ^{o}K (68° F) and a pressure of 101.3 kilopascals (29.92 in. Hg).

Startup means the setting in operation 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.

§ 63.3 Units and abbreviations.

Units of Measure are spelled out in subparts F, G, and H.

§ 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) [Reserved]

(4) [Reserved]

(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

(3) [Reserved]

(c) *Severability*. Notwithstanding any requirement incorporated into a title V permit obtained by an owner or operator subject to the provisions of this part, the provisions of this part are federally enforceable.

§ 63.5 Preconstruction review and notification requirements.

(a) *Applicability*.

(1) This section implements the preconstruction review requirements of section 112(i)(1) for sources subject to a relevant emission standard that has been promulgated in this part. In addition, this section includes other requirements for constructed and reconstructed stationary sources that are or become subject to a relevant promulgated emission standard. **Except the terms "source" and "stationary source" in Sec. 63.5(a)(1) should be interpreted as having the same meaning as "affected source".**

(2) After the effective date of a relevant standard promulgated under this part, the requirements in this section apply to owners or operators who construct a new source or reconstruct a source after the proposal date of that standard. New or reconstructed sources that start up before the standard's effective date are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

(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. **Except Sec. 63.100(l) defines when construction or reconstruction is subject to standards for new sources.**

(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 § 63.9(b). **Except the cross reference to Sec. 63.9(b) is limited to 63.9(b)(4) and (5). Subpart F overrides 63.9(b)(1) and (3).**

(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. **Except Sec. 63.100(l) defines when construction or reconstruction is subject to standards for new sources.**

(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) **For subpart F, see Sec. 63.151(b)(2)(ii) and (2)(iii) for the applicability and timing of this submittal; for subpart H, see Sec. 63.182(b)(2)(ii) and (b)(2)(iii) for applicability and timing of this submittal.**

(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 § 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) **[Reserved]**

(I) [Reserved]

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

(iii) **Subpart G requires submittal of the Notification of Compliance Status in Sec. 63.152(b); subpart H specifies requirements in Sec. 63.182(c).**

(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*. **[Not applicable for subpart H, except Sec. 63.5(d)(3)(ii) does not apply to subpart G.** 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 re-placements 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 § 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). **Except the cross-reference to Sec. 63.5(d)(1) is changed to Sec. 63.151(b)(2)(ii) of subpart G and to Sec. 63.182(b)(2)(ii) of subpart H. The cross-reference to Sec. 63.5(b)(2) does not apply.**

§ 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 § 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) **[Reserved]**

(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 stringent" must include control technologies or performance criteria and compliance or compliance assurance methods that are different but are substantially equivalent to those required by the promulgated rule, as determined by the Administrator (or his or her authorized representative); and

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

(4) **May apply when standards are proposed under Section 112(f) of the Clean Air Act.**

(5) **Subparts G and H include notification requirements.**

(6) [Reserved]

(7) **[Reserved]**

(c) *Compliance dates for existing sources*.

(1) **Subpart F specifies the compliance dates for subparts G and H.**

(2) **[Reserved]**

(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.* **Except as otherwise specified for individual paragraphs. Does not apply to Group 2 emission points unless they are included in an emissions average.**

(1) (i) **This addressed by Sec. 63.102(a)(4).**

(i) 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. –**For subpart H, the startup, shutdown, and malfunction plan requirement of Sec. 63.6(e)(3)(i) is limited to control devices subject to the provisions of subpart H and is optional for other equipment subject to subpart H. The startup, shutdown and malfunction plan may include written procedures that identify conditions that justify a delay of repair.**

(A) **This addressed by Sec. 63.102(a)(4).**

(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) **Recordkeeping and reporting are specified in Sec. 63.103(c)(2) of subpart F and Sec 63.152(d)(1) of subpart G.**

(iv) **Recordkeeping and reporting are specified in Sec. 63.103(c)(2) of subpart F and Sec 63.152(d)(1) of subpart G.**

(v) **Record retention requirements are specified in Sec. 63.103(c).**

(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;**Except the plan must provide for operation in compliance with Sec. 63.102(a)(4).**

(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 § 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 § 63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.

(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*. **Sec. 63.102(a) for subpart F specifies when the standard applies.**

(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 § 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 § 63.6(e) and applicable subparts of this part. **Sec. 63.152(c)(2) of subpart G specifies the use of monitoring data in determining compliance with subpart G. [Not applicable for subpart H]**

(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 § 63.7(e) of this subpart; and

(D) **[Reserved]**

(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*.

Procedures specified in Sec. 63.102(b) of Subpart F.

(h) *Compliance with opacity and visible emission standards* -

[Reserved]

(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*. For **subpart G, Sec. 63.151(a)(6) specifies procedures; for subpart H, Sec. 63.182(a)(6)(i) specifies procedures.**

(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) **Dates are specified in Sec. 63.151(a)(6)(i) of subpart G and Sec. 63.182(a)(6)(i) of subpart H.**

(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) **[Reserved]**

(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;

(C) [Reserved]

(D) [Reserved]

(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.

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.*

(1) **Subparts F, G, and H specify required testing and compliance demonstration procedures.**

(2) **For Subpart G, test results must be submitted in the Notification of Compliance Status due 150 days after compliance date, as specified in Sec. 63.152(b); for subpart H, all test results subject to reporting are reported in periodic reports.**

(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.*

[Reserved]

(c) *Quality assurance program*.

[Reserved]

(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 § 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 § 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 § 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) **Subparts F, G, and H specify applicable methods and provide alternatives.**

(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* -

Subparts F, G, and H specify test methods and procedures.

(g) *Data analysis, recordkeeping, and reporting.*

Performance test reporting specified in Sec. 63.152(b); for subpart G; Not applicable to subpart H because no performance test required by subpart H.

(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. **Sec. 63.103(b)(5) of subpart F specifies provisions for requests to waive performance tests.**

(4) Approval of request to waive performance test. **[Reserved]**

(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.

§ 63.8 Monitoring requirements.

(a) *Applicability.*

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

(2) **[Reserved]**

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in § 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 § 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 § 63.90(a) for definition).

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

(2) **Subparts G and H specify locations to conduct monitoring.**

(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 § 63.6(e)(1).

(ii) **For subpart G, submit as part of periodic report required by Sec. 63.152 ©; for subpart H, retain as required by Sec. 63.181(g)(2)(ii).**

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

(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 § 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) **Subpart G specifies monitoring frequency by kind of emission point and control technology used (e.g. Sec. 63.111, Sec. 63.120(d)(2) and Sec. 63.152(f)); subpart H does not require use of continuous monitoring systems.**

(5)-(8) [Reserved]

(d) *Quality control program.*

[Reserved]

(e) *Performance evaluation of continuous monitoring systems* -

[Reserved]

(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 § 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.* **Timeframe for submitting request specified in Sec. 63.151(f) or (g) of subpart G; not applicable to subpart H because subpart h specifies acceptable alternative methods.**

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

(iii) **[Reserved]**

(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) **[Reserved]**

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

(6) Alternative to the relative accuracy test. **Subparts G and H do not require continuous emission monitoring.**

(g) *Reduction of monitoring data.* **Data reduction procedures specified in Sec. 63.152(f) and (g) of subpart G; not applicable to subpart H.**

§ 63.9 Notification requirements.

(a) *Applicability and general information*.

(1) The applicability of this section is set out in § 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 § 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) **Specified in Sec. 63.151(b)(2) of Subpart G; in Sec. 63.182(b) of subpart H.**

(2) **Initial Notification provisions are specified in Sec. 63.151(b) of Subpart G; in Sec. 63.182(b) of subpart H.**

(3) [Reserved]

(4) **Except that the notification in Sec. 63.9(b)(4)(i) shall be submitted at the time specified in Sec. 63.151(b)(2)(ii) of subpart G; in Sec. 63.182(b)(2) of subpart H.** The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under § 63.5(d) must provide the following information in writing to the Administrator:

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

(ii) [Reserved]

(iii) [Reserved]

(iv) [Reserved]; and

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

(5) **Except that the notification in Sec. 63.9(b)(5) shall be submitted at the time specified in Sec. 63.151(b)(2)(ii) of subpart G; in Sec. 63.182(b)(2) of subpart H.** The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under § 63.5(d) must provide the following information in writing to the Administrator:

(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 § 63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in § 63.5(d)(1)(i).

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

(d) *Notification that source is subject to special compliance requirements*. An owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and § 63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) *Notification of performance test*. **[Reserved]**

(f) *Notification of opacity and visible emission observations*. **[Reserved]**

(g) *Additional notification requirements for sources with continuous monitoring systems*.
[Reserved]

(h) *Notification of compliance status.*
Sec. 63.152(b) of subpart G and 63.182(c) of subpart H specify Notification of Compliance Status requirements.

(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*. **[Reserved]**

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information*.

(1) The applicability of this section is set out in § 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 § 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 § 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 § 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 § 63.9(i).

(b) *General recordkeeping requirements*.

(1) **Sec. 63.103(c) of subpart F specifies record retention requirements.**

(2) **Sec. 63.103(c) of subpart F specifies required records.**

(3) *Recordkeeping requirement for applicability determinations.* **[Reserved]**

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems*.

[Reserved]

(d) *General reporting requirements*.

(1) **[Reserved]**

(2) *Reporting results of performance tests*. **Sec. 152.(b) of subpart G specifies record retention requirements.**

(3) *Reporting results of opacity or visible emission observations*. **[Reserved]**

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

(5) (i) Periodic startup, shutdown, and malfunction reports. **Except that reports required by Sec. 63.10(d)(5) shall be submitted at the time specified in Sec. 63.152(d) of subpart G and in Sec. 63.182(d) in Subpart H.** 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 Sec. 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 Sec. 63.9(i).

(e) *Additional reporting requirements for sources with continuous monitoring systems* -

[Reserved]

(f) *Waiver of recordkeeping or reporting requirements.*

(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator’s judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of record-keeping or reporting is made, the application shall accompany the request for an extension of compliance under § 63.6(i), any required compliance progress report or compliance status report required under this part (such as under § 63.6(i) and § 63.9(h)) or in the source’s title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(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.

§ 63.11 Control device requirements.

(a) *Applicability*. The applicability of this section is set out in Sec. 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 V_{max}, as determined by the following equation:

$$V_{max} = (X_{H2} - K_1) * K_2$$

Where:

V_{max} = Maximum permitted velocity, m/sec.

K_1 = Constant, 6.0 volume-percent hydrogen.

K_2 = Constant, 3.9 (m/sec)/volume-percent hydrogen.

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in § 63.14).

(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 MJ/scm (200 Btu/scf) or greater if the flare 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 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C.

K = Constant = 1.740×10^{-7} (1/ppmv)(g-mole/scm)(MJ/kcal); where the standard temperature for (g-mole/scm) is 20 °C.

C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946–77 or 90 (Reapproved 1994) (incorporated by reference as specified in § 63.14).

H_i = Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809-95. (incorporated by reference as specified in § 63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

(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 V_{max}, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

$$\mathrm{Log}_{10}(V_{max}) = (H_T + 28.8)/31.7$$

Where:

V_{max} = Maximum permitted velocity, m/sec.
28.8 = Constant.
31.7 = Constant.
H_T = 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 V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$$V_{max} = 8.71 + 0.708(H_T)$$

Where:
V_{max} = Maximum permitted velocity, m/sec.
8.71 = Constant.
0.708 = Constant.
H_T = The net heating value as determined in paragraph (b)(6)(ii) of this section.

§ 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.

§ 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 as follows:

EPA Region IV; Director; Air, Pesticides and Toxics, Management Division; Atlanta Federal Center, 61 Forsyth Street; Atlanta, GA 30303.

(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.

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, 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.

(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 § 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 § 63.788, Appendix A.

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 63.11(b)(6).

(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for § 63.788, Appendix A.

(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for § 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 § 63.111 of Subpart G.

(9) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for § 63.786(b).

(10) ASTM 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for § 63.365(e)(1) of Subpart O.

(11) ASTM D3792-91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for § 63.788, Appendix A.

(12) ASTM D3912-80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 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 § 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 § 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 § 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 § 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 § 63.786(b).

(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b)(2) and 63.786(b)(5).

(19) Reserved

(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 § 63.5350.

(24) ASTM D2697-86(1998) (Reapproved 1998), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, IBR approved for §§63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(25) ASTM D6093-97, Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, IBR approved for §§63.4141(b)(1), 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 §§ 63.4141(b)(3) and 63.4141(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 Sec. 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 §§ 63.5799 and 63.5850.

(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 § 63.111 of subpart G of this part.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for § 63.150(g)(3)(i)(C) of subpart G of this part.

(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 § 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 § 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 § 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 § 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 § 63.99(a)(8)(ii)-(v) 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 § 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 § 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 § 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 § 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 § 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 § 63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for § 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 § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus -- P2O5 or Ca3(PO4)2, Method A-Volumetric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method C -- Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method A -- Volumetric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method C -- Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(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," IBR approved for Sec. 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," IBR approved for Sec. 63.1206(c)(6)(iii).

(3) ANSI/ASME PTC 19.10-1981, ``Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]," IBR approved for Sec. Sec. 63.865(b), 63.3360(e)(1)(iii), 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 63.9323(a)(3).

(j) [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," (Revision 2, April 1998) as published in EPA Publication SW-846: ``Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." The incorporation by reference of Method 9071B is approved for Section 63.7824(e) of Subpart FFFFF of this part.

§ 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.

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

Attachment IV Attachment IV

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)

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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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C. How was the final rule developed?
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H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Congressional Review Act

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.

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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.

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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

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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

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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,

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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(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.

What This Subpart Covers

63.7480 What is the purpose of this subpart?
63.7485 Am I subject to this subpart?
63.7490 What is the affected source of this subpart?
63.7491 Are any boilers or process heaters not subject to this subpart?
63.7495 When do I have to comply with this subpart?

Emission Limits and Work Practice Standards

63.7499 What are the subcategories of boilers and process heaters?
63.7500 What emission limits, work practice standards, and operating limits must I meet?

General Compliance Requirements

63.7505 What are my general requirements for complying with this subpart?
63.7506 Do any boilers or process heaters have limited requirements?
63.7507 What are the health-based compliance alternatives for the hydrogen chloride (HCl) and total selected metals (TSM) standards?

Testing, Fuel Analyses, and Initial Compliance Requirements

63.7510 What are my initial compliance requirements and by what date must I conduct them?
63.7515 When must I conduct subsequent performance tests or fuel analyses?
63.7520 What performance tests and procedures must I use?
63.7521 What fuel analyses and procedures must I use?
63.7522 Can I use emission averaging to comply with this subpart?
63.7525 What are my monitoring, installation, operation, and maintenance requirements?
63.7530 How do I demonstrate initial compliance with the emission limits and work practice standards?

Continuous Compliance Requirements

63.7535 How do I monitor and collect data to demonstrate continuous compliance?
63.7540 How do I demonstrate continuous compliance with the emission limits and work practice standards?
63.7541 How do I demonstrate continuous compliance under the emission averaging provision?

Notifications, Reports, and Records

63.7545 What notifications must I submit and when?
63.7550 What reports must I submit and when?
63.7555 What records must I keep?
63.7560 In what form and how long must I keep my records?

Other Requirements and Information

63.7565 What parts of the General Provisions apply to me?
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63.7575 What definitions apply to this subpart?

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Table 3 to Subpart DDDDD of Part 63—Operating Limits for Boilers and Process Heaters With Mercury Emission Limits and Boilers and Process Heaters That Choose to Comply With the Alternative Total Selected Metals Emission Limits
Table 4 to Subpart DDDDD of Part 63—Operating Limits for Boilers and Process Heaters With Hydrogen Chloride Emission Limits
Table 5 to Subpart DDDDD of Part 63—Performance Testing Requirements
Table 6 to Subpart DDDDD of Part 63—Fuel Analysis Requirements
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Table 8 to Subpart DDDDD of Part 63—Demonstrating Continuous Compliance
Table 9 to Subpart DDDDD of Part 63—Reporting Requirements
Table 10 to Subpart DDDDD of Part 63—Applicability of General Provisions to Subpart DDDDD

Appendix

Appendix A to Subpart DDDDD—Methodology and Criteria for Demonstrating Eligibility for the Health-Based Compliance Alternatives Specified for the Large Solid Fuel Subcategory

Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters

What This Subpart Covers

§ 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.

Attachment IV
Attachment IV

$$\text{AveWeighted Emissions} = \sum_{i=1}^{n}(\text{Er} \times \text{Hm}) \div \sum_{i=1}^{n}\text{Hm} \qquad \text{(Eq. 1)}$$

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

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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

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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.

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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)).

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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.

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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.

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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.

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(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

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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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