ADEQ

ARKANSAS
Department of Environmental Quality

August 23, 2007

Dan Peterson, Plant Manager
Ash Grove Cement Company
4457 Highway 108
Foreman, AR 71836

Dear Mr. Peterson:

The enclosed Permit No. 0075-AOP-R8 is issued pursuant to the Arkansas Operating Permit Program, Regulation # 26.

After considering the facts and requirements of A.C.A. §8-4-101 et seq., and implementing regulations, I have determined that Permit No. 0075-AOP-R8 for the construction, operation and maintenance of an air pollution control system for Ash Grove Cement Company to be issued and effective on the date specified in the permit, unless a Commission review has been properly requested under §2.1.14 of Regulation No. 8, Arkansas Department of Pollution Control & Ecology Commission's Administrative Procedures, within thirty (30) days after service of this decision.

All persons submitting written comments during this thirty (30) day period, and all other persons entitled to do so, may request an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified. Such a request shall be in the form and manner required by §2.1.14 of Regulation No. 8.

Sincerely,

Mike Bates

Mike Bates
Chief, Air Division

ADEQ
OPERATING
AIR PERMIT

Pursuant to the Regulations of the Arkansas Operating Air Permit Program, Regulation 26:

Permit No. : 75-AOP-R8
Renewal #1
IS ISSUED TO:
Ash Grove Cement Company
4457 Highway 108
Foreman, AR 71836
Little River County
AFIN: 41-00001

THIS PERMIT AUTHORIZES THE ABOVE REFERENCED PERMITTEE TO INSTALL, OPERATE, AND MAINTAIN THE EQUIPMENT AND EMISSION UNITS DESCRIBED IN THE PERMIT APPLICATION AND ON THE FOLLOWING PAGES. THIS PERMIT IS VALID BETWEEN:

May 15, 2007 AND May 14, 2012

THE PERMITTEE IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

Mike Bates
Mike Bates
Chief, Air Division

August 23, 2007
Date Modified

Table of Contents

Appendix H - Plant Haul Road Fugitive Dust Control Plan
Appendix I – 40 CFR Part 63, Subpart EEE Requirements

List of Acronyms and Abbreviations

A.C.A.	Arkansas Code Annotated
AFIN	ADEQ Facility Identification Number
CFR	Code of Federal Regulations
CO	Carbon Monoxide
HAP	Hazardous Air Pollutant
lb/hr	Pound Per Hour
MVAC	Motor Vehicle Air Conditioner
No.	Number
NO_x	Nitrogen Oxide
PM	Particulate Matter
PM10	Particulate Matter Smaller Than Ten Microns
SNAP	Significant New Alternatives Program (SNAP)
SO_2	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction Plan
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

This permit represents two operating scenarios.

Scenario I: Pyroprocess Unit (beginning on page 7)

Scenario II: Three Kiln Configuration (beginning on page 170)

The conditions of scenario II shall apply to Ash Grove until the Pyproprocess Unit has completed startup and come online. At this time, Ash Grove shall cease operation under scenario II and begin operations solely based on the conditions listed under operating scenario I.

Pyroprocess Unit Operating Scenario

SECTION I: FACILITY INFORMATION

PERMITTEE:	Ash Grove Cement Company
AFIN:	41-00001
PERMIT NUMBER:	75-AOP-R8
FACILITY ADDRESS:	4457 Highway 108 Foreman, AR 71836
MAILING ADDRESS:	4457 Highway 108 Foreman, Arkansas 71836
COUNTY:	Little River
CONTACT POSITION:	Dan Peterson, Plant Manager
TELEPHONE NUMBER:	(870) 542-6217
REVIEWING ENGINEER:	Wesley Crouch
UTM North South (Y):	Zone 15: 3728.9
UTM East West (X):	Zone 15: 368.35

SECTION II: INTRODUCTION

Summary of Permit Activity

Ash Grove Cement Company (AFIN: 41-00001) operates a portland cement plant located at 4457 Hwy 108 West in Foreman, Arkansas 71836. This minor modification affects only the three kiln operating scenario. This modification will allow Ash Grove to replace an existing conveyor belt and apron feeders. Also, this modification allows the removal of sources C-14, 15, 16, 17, 18, 36 and 37. This will result in permitted emissions reductions of 16.3 tpy PM and 6.4 tpy PM_{10}.

Process Description

For informational purposes only, this section does not contain enforceable conditions.

The three wet-process rotary kilns currently operating at the Foreman plant utilize the same raw materials that will be used in the new system. The carbonate source, chalk, is mined on-site utilizing surface miners and subsequently transported by belt conveyor located in the quarry to the processing portion of the facility. Chalk may also be processed through an initial crushing operation in the quarry (i.e., primary crusher) and then moved by conveyor belt into the existing raw material storage building. The raw materials are currently ground in the existing raw mills, then combined with water and mixed in one of six slurry tanks.

As slurry passes through a kiln, it is dried, then calcined, and finally heated to the fusion point (~2,700°F) where clinker results. Clinker is discharged to a clinker cooler where it is cooled to approximately 250°F and then conveyed to bulk storage. It is then sent to the finish mills, blended with gypsum or other admixtures, and finely ground to make cement.

The source of heat energy in the kilns is the combustion of conventional fuels such as pulverized coal, natural gas, and fuel oil. The kilns also use hazardous and nonhazardous waste-derived fuels through pumpable and non-pumpable feed systems as liquid waste-derived fuels (LWDF), solid waste-derived fuels (SWDF), and tire-derived fuels (TDF) as substitutes to conventional fuels. Non-hazardous waste materials are also used as a raw material substitute for silica, alumina, and iron in the slurry.

The new pyroprocessing system will be a dry process, PH/PC system. A bridge-type scraper reclaimer will transfer chalk from the new raw material storage building into new raw material storage bins prior to the new roller mill, which will be used to pulverize the chalk, sand, iron ore, and other raw materials. The raw material stream (raw meal) leaving the new roller mill will be conveyed from the roller mill, collected by the cyclones and baghouse, then conveyed to a new dry kiln feed blending and storage silo, where it will be stored prior to introduction to the pyroprocessing system. In addition to retaining some of the existing raw material handling and storage equipment, AGC will be constructing a new raw material storage building, four new raw material storage bins, a limestone bin, and a gypsum bin with associated conveyors and material-handling equipment.

The facility's equipment design will allow AGC to continue using available fuels including fossil fuels and non-hazardous and hazardous waste fuels. Coal, petroleum coke, natural gas, fuel oil, used oils from both on and off-site, tires, other non-hazardous fuels, LWDF, and SWDF will be used as the primary fuels for the cement manufacturing process. AGC also plans to begin using bulk waste derived fuel (BWDF), both hazardous and non-hazardous. These may include wastes such as spent pot liner from the aluminum production industry. Conventional fuels will be used as a primary fuel in certain situations, such as during startup.

The PH/PC pyroprocessing system is a state-of-the-art design that features a five-stage cyclone-type preheater string, low-NO_x precalciner (with a combustion chamber), and rotary kiln. The low-NOx PH/PC portion of the system will be located in a tower adjacent to the kiln. See Figure 1-1. The precalciner allows the burning fuel to be intimately mixed with the kiln feed. Pre-heated air from the clinker cooler (tertiary air) will provide combustion air to the precalciner. PH/PC kilns feature greater thermal efficiency as compared to long dry or long wet kilns, which results in significantly lower emissions and decreased fuel consumption; approximately 3.0 MMBTU per ton of clinker or half the energy needed in the current system. To increase energy efficiency even further, hot exhaust gases from the preheater tower and cooler will be utilized to dry kiln feed in the raw mill and coal in the new coal mill. All clinker cooler exhaust gases will be utilized by the pyroprocessing system. The majority of the cooler gases will be utilized by the in-line raw mill. Therefore, there will not be a clinker cooler baghouse or stack. The coal will be dried in the coal mill by gases from the preheater. The coal mill gas will pass through a baghouse and then vent to the main stack. The existing raw material building will be converted to store coal, petroleum coke, limestone, and gypsum, and a new coal silo and coal mill will be constructed. The equipment designated for handling, storing, and milling coal will also be used for petroleum coke and other similar alternate fuels. A new emergency generator will be installed to power key equipment during power outages.

The exhaust gas from a kiln system is comprised of combustion by- products, cement kiln dust (CKD), alkali salts, carbon dioxide, water vapor, and excess air. The main exhaust gases from the proposed system will exit from the top of the preheater tower and pass through the in-line raw mill and main air pollution control device (APCD) before being emitted through a single stack. Bypass gases will exit the feed end of the rotary kiln prior to the precalciner and be conditioned by a separate bypass system APCD, then vented through the main kiln stack. The purpose of an alkali/chlorine bypass is to remove volatile salts and other impurities from the pyroprocessing system, thereby preventing their buildup in the kiln system and in the product. Low alkali product is critical since it is required for Arkansas Department of Transportation contracts.

CKD is inherently generated as a by-product of the cement production process. CKD is finely ground and partially calcined raw feed that becomes entrained in the combustion gases due to the high velocity of the gas and the tumbling motion of the material in the kiln system. The particles consist of raw materials, partially calcined material (lime), and volatile inorganic salts (e.g., sodium and potassium chloride and sodium and potassium sulfate). CKD will be collected in the main and bypass baghouses. The bypass CKD will be pneumatically conveyed to storage silos, and then removed by truck for beneficial use or disposal. All CKD disposed on-site will be

wetted in a pug mill prior to disposal. The dust collected in the main baghouse will be reintroduced to the preheater tower as part of the kiln feed inlet stream, which is expected to significantly reduce the amount of CKD disposed or beneficially reused off-site

The cooled clinker will be processed in the clinker grinding system. The clinker grinding system will be comprised of the two existing ball mills, a new vertical cement mill, material bins and feeders, a high-efficiency separator, dust collectors, and material handling equipment. The clinker will be mixed with gypsum, chalk, and/or other additives, and then ground into portland cement. The finished product will be conveyed into storage silos and subsequently loaded into trucks and railcars for shipment to customers. Additional storage and load-out operations, including two clinker bins and five cement silos (including interstices); will be added to accommodate the increased annual production.

Prevention of Significant Deterioration (PSD)

Netting Analysis

Pollutant	Baseline Years	Baseline Emissions (ton/year)	New Potential Emissions (tons/year)	Net Emissions Change (tons/year)	Significant Emission Level (tons/year)	Subject to PSD Review (Yes/No)
PM_{10}	2003/2004	385 a,b	251 b,c	-134.0	15.00	No
SO_2	1996/1997	2759 d	2700 c	-59.0	40.00	No
NO_x	2003/2004	3932 d	2975 c	-957.0	40.00	No
VOC	2003/2004	40 d	138 c	98.0	40.00	Yes
CO	2003/2004	641 d	1727 c	1086.0	100.00	Yes
Lead Compounds		0.8989	0.2891 e	-0.6098	0.60	No
Fluorides		N/A f	N/A f	N/A	3.00	No
Sulfuric Acid Mist		N/A f	N/A f	N/A	7.00	No
Hydrogen Sulfide		N/A f	N/A f	N/A	10.00	No
Reduced Sulfur		N/A f	N/A f	N/A	10.00	No

a. Emissions based on stack tests
b. Emissions based on AP-42 emissions factors.
c. Emissions based on vendor guarantee.
d. Emissions based on continuous emissions monitoring system data.
e. Emissions based on stack test at similar plant (Chanute).
f. Indicates that no emission factor is available.

BACT Analysis

BACT is defined as an emission limitation based on the maximum degree of pollutant reduction determined on a case-by-case basis taking into account technical, economic, energy, and environmental considerations. 40 CFR Part 52 requires that a BACT determination be incorporated as part of the pre-construction permit review process for all pollutants regulated under the CAA that are emitted in significant amounts from new or modified major sources.

To bring consistency to the BACT determination process, USEPA developed a guidance document recommending the use of a "top-down" approach to BACT determinations. The first step in a top-down BACT analysis is to determine, for the pollutant in question, the most stringent control technology available for a similar source or source category. If this level of control is not feasible on the basis of technical, economic, energy, and environmental impacts for the source in question, then the next most stringent level of control is identified and similarly evaluated. This process is continued until the emission level or technology under consideration is determined to be feasible.

The plant modernization is expected to result in significant increases in CO and VOC emissions. Therefore, a best available control technology (BACT) determination is required for each of these pollutants as part of the PSD application. The emission points for the in-line kiln/raw mill, clinker cooler, and coal mill will be combined into one (the main) stack and will be considered concurrently in the BACT analysis.

The first step in the BACT top-down approach is to identify potential control technologies for CO. Potential control technologies for CO in the cement manufacturing industry include good combustion practices (GCP), mixing air fan, raw material substitution and selective quarrying, thermal oxidation, and catalytic oxidation. Each of these technologies was evaluated for technical feasibility.

Good Combustion Practices

Since CO formation is a result of incomplete fuel combustion, lower emissions will be generated with optimum combustion practices. When manufacturing a bulk commodity like portland cement, the production of a quality product at the lowest possible cost is stressed. The cost of fuel represents a substantial part of the cost of manufacturing cement. Optimum, uniform combustion in the pyroprocess minimizes fuel consumption. Every unit of excess air introduced into the system requires needless fuel consumption and cost to heat it. A cement manufacturer has a vested interest in effective control of combustion practices.

AGC intends to employ any available practices that will maintain good combustion in the kiln while producing good quality clinker. The design of the plant itself incorporates a preheater tower, a low-NOx precalciner, an in-line raw mill, reuse of clinker cooler gas in the raw mill, reuse of preheater gas in the coal mill, and many other features specifically intended to promote good combustion practices and reduce energy consumption. GCP includes those steps necessary

to extract the maximum useable thermal energy from fuels while generating a minimum quantity of pollutants.

The Foreman plant will be equipped with the most modern and sophisticated process control computers and systems currently available to monitor, control, and evaluate raw materials, fuels, and the manufacturing process. System operators and supervisors will be fully trained in the use of process control systems to optimize all phases of plant operation, including combustion. GCP is considered as a technically feasible BACT for CO control and is included in the base case scenario.

Mixing Air Fan

High-pressure air in the range of a 2-10 percent replacement of the primary combustion air can be injected through the shell of the rotary kiln near its feed end in a preheater/precalciner kiln system to provide additional oxygen to the post-combustion flue gas to meet stoichiometric requirements and the kinetic energy necessary for the adequate mixing of flue gas within the kiln. Any residual CO from the main flame in the burning zone of the rotary kiln will pass through the multi-stage combustion process in the calciners. Because the CO from the rotary kiln will be oxidized in the final phase of multi-stage combustion, the concentration of CO in the flue gas from the rotary kiln is irrelevant. A mixing air fan on the Foreman kiln is an unnecessary application of this technology that would result in a negligible reduction in CO emissions. A mixing air fan is redundant and unnecessary for the Foreman kiln system and is, therefore, infeasible.

Raw Material Substitution and Selective Quarrying

Raw material substitution and selective quarrying have been considered technically feasible CO emissions control technologies when the quarry has specific rock formations with higher organic content than the bulk of the material. In certain cases, deposits of higher organic concentration material can be discarded and replaced with acceptable alternative raw materials bearing lower concentrations of organic constituents. This would reduce, to some degree, a source of CO emissions in the system. However, the types of geological formations required to gain benefit from selective quarrying do not exist in the Foreman quarry. Therefore, selective quarrying is not considered technically feasible for this particular plant.

Thermal Oxidation

Thermal oxidation is performed with devices that use an open flame or combustion within an enclosed chamber to oxidize pollutants. Thermal oxidizers typically operate at temperatures that range from 1,200°F to 2,000°F, with a residence time of up to 2 seconds. By raising the temperature, the residence time for complete combustion can be reduced, or, alternatively, by increasing the residence time, the temperature can be reduced.

For the purpose of this BACT evaluation, a price quote from Durr Environmental Inc. (Durr) was used for an RTO on a similar cement manufacturing operation. The RTO is expected to recover

about 75 percent of the heat on an annual basis considering the gradual degradation in the effectiveness of the heat transfer media. Compared to other types of oxidizers, this would substantially reduce the natural gas usage; therefore, it is the preferred oxidation alternative. The oxidation temperature of the RTO process is in the range of 1,500°F to 1,800°F. The RTO technology also has the lowest reported NOx emissions.

The exhaust gas enters the RTO system through a forced-draft fan. The inlet heat transfer bed of ceramic media preheats the gas stream prior to the combustion phase. In the combustion chamber that is equipped with a natural gas burner, up to 98 percent of the CO is destroyed. The purified exhaust gas preheats a second heat transfer bed and exits through the diverter valve.

The control efficiency that can be achieved by the RTO depends on the inlet pollutant concentration. In the case of CO, where the pollutant inlet concentration will be approximately 193 ppmv, a 98 percent control efficiency may be high, but will be considered for this analysis.

Ideally, a thermal oxidation system for cement kiln applications requires the installation of a wet lime scrubber (WLS) upstream of the RTO. While the scrubber provides backup PM control to help reduce fouling of the heat transfer media, its main purpose is to decrease the SO2 concentration entering the RTO, thereby minimizing the oxidation of SO2 to SO3 in the RTO. The concentration of SO3 in the flue gas that would exist without the WLS would likely result in a visible plume with an opacity that would exceed the MACT standard.

Even with the upstream PM control, deposition of solids on the fans and the heat transfer media could create serious operating problems and reduce thermal efficiency. Clogging of the heat transfer media could be especially problematic. As material deposits on the ceramic heat transfer medium, the heat transfer efficiency decreases. As the transfer efficiency decreases, the supplemental fuel requirements increase. Concerns with particulate emissions mandate that the oxidizer be located downstream of the baghouse. If a WLS is installed, the temperature of the gas stream that exits the wet scrubber will be around 134°F. Reheating the air to 1,600°F or higher will require significant amounts of fuel. Also, the effluent leaving the WLS would need to be treated before disposal or reuse. However, in order to simplify this BACT analysis, the evaluation is based solely on the installation of an RTO for CO control.

Another adverse secondary impact from the thermal oxidizer is additional sulfuric acid generation. The gas entering the oxidizer will contain both SO_2 and water. Some of the SO_2 will be oxidized to SO_3 that will then combine with water to form sulfuric acid. The acid will be detrimental to both the oxidizer itself and to the environment after it is released. The amount of sulfuric acid generated would be minimized by the application of the WLS.

Since suppliers do not manufacture an individual thermal oxidizer unit for the treatment of 690,000 acfm (467,000 scfm) of exhaust gas, multiple units will be required. Operation of multiple units will create significant operating difficulties in trying to balance flow among several units, as well as concerns about increased maintenance requirements. According to Durr, each of its RTO units can process approximately 60,000 scfm. A system suitable for the

proposed Foreman kiln would require eight units, plus one backup unit for times of maintenance and malfunction.

AGC is aware of two combined WLS and RTO systems that were installed on cement plants. One of the systems is installed on a preheater/precalciner cement plant operated by TXI in Midlothian, Texas. The facility installed the combined control device system, not as a result of a BACT analysis, but to avoid PSD review during a plant expansion. The system was designed to reduce emissions that are attributed to raw materials containing high organic constituents. By installing the system consisting of eleven RTO units, the plant was expected to significantly increase production while not increasing CO emissions. However, the facility has been experiencing performance problems with the RTO that include fouling and static pressure loss in the system. TXI petitioned the Texas Commission on Environmental Quality (TCEQ) for approval to remove the RTO system using a BACT analysis (submittal dated March 12, 2004). The current cost of natural gas has made operating the system economically infeasible. After negotiations, TXI entered into an agreement with TCEQ whereby they will continue to operate the RTO, but with a higher allowable emission rate. The higher emission rate will reduce RTO operating costs. However, the unit is not a BACT unit.

The other combined WLS and RTO system was installed on two long wet kilns at the Holcim cement plant in Dundee, Michigan. The combined system was installed to reduce opacity and odors relating to extremely high organic and sulfur emissions. It should be noted that this plant has annual SO_2 emissions on the order of 10,000 tons and the exhaust gas organics are estimated to provide up to 90 percent of the RTO fuel requirements. Holcim has not published any information regarding RTO operations at the Dundee plant. However, AGC understands that the plant has been experiencing problems with fouling and static pressure loss that result in high maintenance costs and increased down time.

For the purpose of this BACT evaluation, the RTO system is considered technically feasible for reducing CO emissions. However, the overall environmental benefit, taking into account economic, environmental, energy, and other factors, of implementing such a system on this process is not justifiable under the BACT guidelines, as discussed below.

Catalytic Oxidation

Catalytic oxidation is performed with devices that utilize a flame within an enclosed chamber. A catalytic oxidizer operates effectively within a temperature range between 600°F and 900°F. The catalyst is typically composed of platinum. The presence of the catalyst allows oxidation of pollutants at a temperature lower than that required for thermal oxidation, which minimizes fuel costs. The oxidation temperature is maintained through the use of supplemental fuel.

Catalytic oxidizers are primarily used to treat exhaust gas streams that contain a low concentration of PM, such as exhaust streams from painting operations. The presence of PM inhibits the treatment by poisoning the catalyst.

Advantages of catalytic oxidizers over thermal oxidizers include lower fuel requirements, lower operating temperatures, and reduced fire hazards due to the lower temperatures. Disadvantages of the catalytic oxidizers include higher capital costs, catalyst poisoning, spent catalyst disposal, which can be classified as a hazardous waste and the fact that catalytic oxidation has not been applied to a cement kiln.

Although operating temperatures for catalytic oxidizers are lower than those for thermal oxidizers, some reheating is still required to bring flue gas temperatures up from less than 400°F to at least 600°F. For this, additional fuel (i.e., natural gas) must be combusted, resulting in increased NOx emissions.

Catalytic oxidation systems are sensitive to fouling by certain species of PM that may be present in the flue gas from the Foreman kiln. Even PM in the post-baghouse exhaust gas stream will eventually poison the catalyst; thereby causing lost treatment efficiency and premature failure of the catalyst. The catalyst will promote the conversion of SO2 to SO3, thereby creating an exhaust stream with the potential to exceed the opacity standard.

The spent catalyst is often classified as a hazardous waste. Disposal of a hazardous waste can represent a significant environmental concern. Due to the expected limited life of the catalyst and the resulting operational unreliability, as well as the catalyst disposal concern, and the fact that catalytic oxidation has not been applied to a cement kiln, the use of catalytic oxidation is considered an infeasible control option and does not merit further consideration in the BACT analysis.

The RTO and GCP were the only technically feasible options out of all control methods considered. However, an RTO has a control cost of $11,397 per ton CO removed and is considered economically infeasible.

Based on the BACT analysis for CO, AGC is proposing to use good combustion practices (GCP) for controlling CO emissions from the new Foreman plant. AGC is proposing an emission limit derived from vendor guarantees of 2500 pounds CO per hour, 8-hour average as BACT for CO emissions from the Foreman plant. This limit is comparable to BACT limits for similar facilities.

BACT Analysis for VOC

The sources of VOC emissions associated with the proposed project are the pyroprocessing system and the coal mill. VOC emissions will be generated by volatilization and pyrolysis of high molecular weight organic compounds present in the raw feed to the kiln, incomplete combustion of fuels in the preheater, and coal grinding. Emissions from the kiln and coal mill will be considered together for this BACT analysis. This is because the kiln and coal mill emissions will vent through a common stack.

Potential control technologies for VOC in the cement manufacturing industry include GCP, raw material substitution and selective quarrying, thermal oxidation, and catalytic oxidation. Each of these technologies was evaluated for technical feasibility.

Good Combustion Practices

The combustion of fuels in a properly designed kiln that is operated using GCP will result in only a small quantity of VOC emissions. The majority of VOC emissions are from the volatilization of organics in the raw feed in the upper stages of the preheater. Since the gas flow direction in the preheater is from the precalciner toward the stack, no further combustion zones are available downstream to destroy the volatilized organics. Therefore, GCP has no effect on the VOC emissions generated from this portion of the kiln system.

The Foreman kiln will be designed in accordance with GCP. This will ensure that VOC will be destroyed from fuels and materials passing through the precalciner and kiln portions of the pyroprocessing system. Thus, GCP is considered to establish the baseline upon which other controls will be evaluated.

Raw Material Substitution and Selective Quarrying

The types of geological formations required to gain benefit from selective quarrying do not exist in the Foreman quarry. Therefore, selective quarrying is not considered technically feasible for this particular plant.

Thermal Oxidation

For the purpose of this BACT evaluation, the RTO system is considered technically feasible for reducing VOC emissions. However, the overall environmental benefit, taking into account economic, environmental, energy, and other factors, of implementing such a system on this process is not justifiable under the BACT guidelines.

Catalytic Oxidation

Due to the expected limited life of the catalyst and the resulting operational unreliability, as well as the catalyst disposal concern, the use of catalytic oxidation is considered an infeasible control option and does not merit further consideration in the BACT analysis.

The RTO and GCP were the only technically feasible options out of all control methods considered. However, an RTO has a control cost of $162,345 per ton VOC removed and is considered economically infeasible.

AGC has selected the base-case use of GCP as BACT for VOC control for the Foreman pyroprocessing system. The use of GCP for the control of CO emissions will minimize combustion-related VOC emissions.

AGC proposes a BACT limit for VOCs of 27.5 pounds per hour (30-day rolling average) for the pyroprocessing system. This limit is comparable to BACT limits for similar facilities.

Ambient Air Quality Impact Analysis

The PSD regulations also require completion of an AAQIA for criteria pollutants that would be emitted in excess of their respective significant emission levels. The purpose of the AAQIA is to demonstrate that the proposed construction or modification will not cause or contribute to any violation of a NAAQS, or an exceedance of a PSD increment.

In accordance with EPA guidelines, the modeled concentrations of pollutants exceeding the PSD significant emission rates must be compared to the Modeling Significance Levels (MSLs). If a significant impact (i.e., an ambient impact above the MSL for a given pollutant and averaging period) is not observed, no further modeling analysis (i.e., NAAQS and Class II PSD Increment modeling) is required for that pollutant. If a significant impact is shown, NAAQS and PSD Increment modeling is required.

The emissions modeled in the significance analysis must reflect the results of the BACT analysis. Additionally, the modeled concentrations must be compared to the monitoring *de minimis* level to determine if pre-construction monitoring may be required for pollutants that trigger a PSD review. The MSLs and monitoring *de minimis* levels for PSD-regulated pollutants that will be emitted by the modernization of the Foreman plant are shown in the following table.

Modeling Significance and Monitoring *De Minimis* Levels

Pollutant	Averaging Period	MSL (µg/m3)	Monitoring *De Minimis* Level (µg/m3)
NO_2	Annual	1	14
CO	8-hour	500	575
	1-hour	2,000	--
SO_2	Annual	1	--
	24-hour	5	13
	3-hour	25	--
PM_{10}	Annual	1	---
	24-hour	5	10
Ozone	8-hour	---	100 tpy VOC

To be subject to MSL modeling for a pollutant, the net emissions increase of that pollutant must exceed the PSD significant emission rate. Based on the net emissions increase calculations, CO is the only pollutant subject to MSL modeling requirements.

The emission rates modeled in the CO analysis were the maximum potential emission rates for the proposed Foreman sources with respect to the pollutant specific averaging periods (i.e., short-term emission rates were used for 8-hour and 1-hour averaging periods).

Since the highest 1st-high concentrations for the 1-hour and 8-hour averaging periods do not exceed their respective MSLs or monitoring *de minimis* levels, further NAAQS and Class II PSD Increment modeling is not required.

The results of the modeling analysis demonstrate compliance with the corresponding NAAQS. The following table compares the maximum pollutant concentrations to each appropriate NAAQS averaging period.

Summary of NAAQS Analysis

Pollutant	Averaging Period	Standard ($\mu g/m^3$)	Modeled Concentration* ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Maximum Plus Background ($\mu g/m^3$)	Percent of Standard
CO	1-hour	40,000	101	3,262	3,363	8 %
	8-hour	10,000	70	2,097	2,167	22 %
NO_2	Annual	100	1.2	8	9.2	9 %
PM_{10} (Scenario1)	24-hour	150	109.9	35	144.9	97%
	Annual	50	21	19	40	80%
PM10 (Scenario 2)	24-hour	150	110	35	145	97%
	Annual	50	21	19	40	80%
SO_2	3-hour	1,300	21	47	68	5 %
	24-hour	365	7.6	13	21	6 %
	Annual	80	1.1	8	9.1	11 %

*The high-2nd-high concentration is provided for all short term (i.e., 1, 3, 8, and 24-hour) averaging periods.

As evident in the above table, modeled emissions from AGC are found to produce impacts that are below all applicable NAAQS.

Additional Impacts Analyses

Soils, Vegetation, and Animals

The analysis of soils, vegetation, and animals is based on the methodology outlined in the USEPA document, *A Screening Procedure for the Impacts of Air Pollution Sources on Plants, Soils, and Animals* (guidance document).

The guidance document outlines an approach to determine possible adverse affects on soils, vegetation, and animals from pollutants. The first is for vegetation exposure to airborne pollutants. A plant's susceptibility to adverse affects from airborne pollutants is classified as sensitive, intermediate, or resistant. The minimum impact required to damage a plant is called the threshold value. Impacts above the threshold values can cause visible injuries such as premature senescence, chlorosis, necrosis, or abscission of leaves. Threshold values for each category are provided in the above referenced guidance document. Airborne pollutant exposure is evaluated by comparing the maximum predicted ambient impact to the threshold value for each classification. The maximum predicted impact for a pollutant is the sum of the peak impact found through dispersion modeling and the known background concentration for the pollutant.

To obtain appropriate background concentrations for the Foreman area, a search of air quality monitors in the four state region surrounding Foreman (Oklahoma, Texas, Arkansas, and Louisiana) was performed. For each pollutant, an appropriate background was selected based on available monitors in relation to the plant. In cases where the background concentration was not provided for the averaging period of interest, the available concentration was scaled according to the factors listed in the USEPA document, *Screening Procedures for Estimating the Air Quality Impact of Stationary Sources*. The factors for converting a 1-hour average concentration to other averaging periods are shown in the following table.

Averaging Time Conversion Factors

Averaging Time	Multiplying Factor
1 hour	1.00
3 hours	0.83
8 hours	0.70
24 hours	0.58
4 days	0.46
10 days	0.39
Annual	0.08

Wherever a factor was not available for a specific averaging time, the next shorter averaging time was substituted as a conservative alternative. All background values and conversion factors used are presented in the following table.

Background Pollutant Concentrations

Pollutant	Given Background Concentration	Averaging Period	Conversion Calculation	Averaging Period Used for	Converted Background Concentration	Averaging Period

	($\mu g/m^3$)			Calculated Background	($\mu g/m^3$)	
SO_2[a]	84	1-hour			84	1-hour
	47	3-hour			47	3-hour
	8	Annual			8	Annual
NO_x[a]	46	1-hour	0.83	3-hour	38	4-hour
	46	1-hour	0.70	8-hour	32	8-hour
	46	1-hour	0.39	10-days	18	1-month
	8	Annual			8	Annual
CO[a]	3,262	1-hour	0.46	4-days	1,501	1-week

Background concentrations were added to the maximum impacts modeled from the Foreman plant and compared to the screening values found in the guidance document. The results are presented in below.

Comparison Of Maximum Predicted Impacts To Screening Values

Pollutant	Averaging Time	Modeled Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Total Predicted Concentration ($\mu g/m^3$)	Screening Value[b] ($\mu g/m^3$)	Screening Value Exceeded?
SO_2	1-hour	37	84	121	917	No
	3-hour	22	47	69	786	No
	Annual	1.1	8	9.1	18	No
NO_x	4-hour	24	38	62	3,760	No
	8-hour	19	32	51	3,760	No
	Month	3.0	18	21	564	No
	Annual	1.2	8	9.2	94	No
CO	1-week	46[a]	1,501	1,547	1,800,000	No

a. Scaled from a 1-hour high of 101 $\mu g/m^3$
b. Per guidance document

As shown above, the maximum impacts of SO_2, NO_x, and CO are below the threshold values. Therefore, no adverse impacts to vegetation are expected from exposure to airborne pollutants. It should also be noted that the secondary NAAQS were promulgated, in part, to protect plants and animals in the environment. The Foreman plant has demonstrated compliance with the primary and secondary NAAQS standards.

Growth

The construction activities may require a temporary increase in the size of the labor force working and living in the surrounding region. However, few of these additional workers are expected to permanently relocate to the vicinity. As a result, a permanent increase in pollutant emissions or ambient concentrations indirectly associated with the proposed construction activity is not expected.

The modernized plant is not expected to employ additional people for the long-term operations. Therefore, significant increases in pollutant emissions or ambient concentrations are not expected to result from the indirect activity of an increase in population.

Visibility/Class I Analysis

The Clean Air Act Amendments of 1977 included provisions for the protection of visibility in designated Class I areas. These requirements are detailed in USEPA's PSD program in 40 CFR Parts 51 and 52. Federal Land Managers (FLM) have the responsibility of evaluating the effects of air pollution in such designated areas. This includes evaluating potential impacts due to visibility degradation, ambient pollutant concentrations, and increment consumption. The FLM typically follow the recommendations of the "Interagency Workgroup on Air Quality Modeling (IWAQM) Phase 2 Summary Report and Recommendations for Modeling Long Range Transport Impacts" (EPA 454/R-98-019) and the "Federal Land Managers' Air Quality Related Values Workgroup (FLAG) Phase 1 Report" (December 2000) for air quality dispersion modeling analyses.

One Class I area, Caney Creek Wilderness Area, is located within 100 kilometers of the Foreman plant. Caney, established in 1968, consists of 14,460 acres in Polk County, Arkansas. It was created to enhance management of all wildlife species in west central Arkansas.

In accordance with federal guidelines, a regional visibility analysis would typically be required for the Foreman plant modernization project. However, the plant modernization project will not result in significant net emissions increases in pollutants associated with Class I area visibility impairment (i.e., PM_{10}, SO_2, and NO_x). The modernization project will result in a decrease of these pollutants. An increase in the emissions of CO will result from the plant modernization. However, CO is not a visibility pollutant. Therefore, a visibility analysis for the Caney Class I area is not required. Due to the expected decreases in PM_{10}, NO_x and SO_2, visibility improvements may result from the project.

Regional Haze Impacts

The new preheater/precalciner cement kiln system will replace the existing kilns at AGC's Foreman cement plant during this plant modernization project. The new kiln is expected to start up in the first quarter of 2009. Due to power limitations at Foreman, the existing and new kilns cannot operate concurrently. Therefore, once the final shakedown of the new kiln is completed, the existing kilns will be removed. It is anticipated that the existing kilns will be out of service prior to the implementation date of any BART requirements.

Nonattainment Area New Source Review

Proposed new and modified major sources located in federally designated nonattainment areas are subject to the provisions in Part D of the CAA. The Foreman plant, however, is located in an

attainment area for all criteria pollutants. Therefore, the proposed plant is not subject to the requirements of nonattainment area NSR.

Regulations

The following table contains the regulations applicable to this permit.

Regulations
Arkansas Air Pollution Control Code, Regulation 18, effective February 15, 1999
Regulations of the Arkansas Plan of Implementation for Air Pollution Control, Regulation 19, effective May 28, 2006
Regulations of the Arkansas Operating Air Permit Program, Regulation 26, effective September 26, 2002
40 CFR Part 52.21, Regulations for the Prevention of Significant Deterioration of Air Quality
40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels(Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification commenced After July 23, 1984*
40 CFR Part 60, Subpart IIII, *New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines*
40 CFR Part 61, Subpart FF, *National Emission Standards for Benzene Waste Operations*
40 CFR Part 63, Subpart DD, *National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations*
40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*
40 CFR Part 63, Subpart EEE, *National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors*

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

Emission Summary (Pyroprocessing Scenario)

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
Total Allowable Emissions		PM	93.0	257.6
		PM_{10}	93.0	257.6
		SO_2	618.3	2699.7
		VOC	40.9	138.5
		CO	2506.3	1727.3
		NO_X	688.6	2975.5
		1,1,1-Trichloroethane* 1,1,2,2-Tetrachloroethane* 1,1,2-Trichloroethane* 1,1-Dichloroethane* 1,1-Dimethyl hydrazine* 1,2-Dibromo-3-chloropropane* 1,2-Dichloroethane* 1,2-Dichloropropane* 1,2-Diphenylhydrazine* 1,2-Epoxybutane* 1,2-Propylenimine (2-Methylaziridine)* 1,3-Butadiene* 1,3-Propane sultone* 1,4-Dioxane* 1,4-Phenylenediamine* 2,2,4-Trimethylpentane* 2,3,7,8-Tetrachlorodibenzo-p-dioxin* 2,4-D, salts and esters* 2,4-Toluene diamine* 2,4-Toluene diisocyanate* 2-Acetylaminofluorene* 2-Chloroacetophenone* 2-Nitropropane* 3,3-Dimethoxybenzidine* 3,3'-Dimethyl benzidine*	27.5	120.5

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		4,4-Methylenebis(2-chloroaniline)*		
		4,4'-Methylenedianiline*		
		4,6-Dinitro-o-cresol, and salts*		
		4-Nitrobiphenyl*		
		Acetaldehyde*		
		Acetamide*		
		Acetonitrile*		
		Acetophenone*		
		Acrolein*		
		Acrylic acid*		
		Benzene*		
		Benzotrichloride*		
		Benzyl chloride*		
		beta-Propiolactone*		
		Biphenyl*		
		Bromoform*		
		Calcium cyanamide*		
		Captan*		
		Carbaryl*		
		Carbonyl sulfide*		
		Catechol*		
		Chloramben*		
		Chlordane*		
		Chloroacetic acid*		
		Chlorobenzilate*		
		Chloromethyl methyl ether*		
		Chloroprene*		
		Cresols/Cresylic acid*		
		DDE*		
		Diazomethane*		
		Dibutylphthalate*		
		Dichlorvos*		
		Diethanolamine*		
		Diethyl sulfate*		
		Dimethyl aminoazobenzene*		
		Dimethyl carbamoyl chloride*		
		Dimethyl formamide*		

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		Dimethyl sulfate*		
		Epichlorohydrin (l-Chloro-2,3epoxypropane)*		
		Ethyl carbamate (Urethane)*		
		Ethyl chloride (Chloroethane)*		
		Ethylene dibromide*		
		Ethylene glycol*		
		Ethylene imine (Aziridine)*		
		Ethylene oxide*		
		Ethylene thiourea*		
		Ethylidene dichloride*		
		Formaldehyde*		
		Glycol ethers*		
		Heptachlor*		
		Hexamethylene-1,6-diisocyanate*		
		Hexamethylphosphoramide*		
		Hydrazine*		
		Lindane (all isomers)*		
		Maleic anhydride*		
		m-Cresol*		
		Methanol*		
		Methoxychlor*		
		Methyl hydrazine*		
		Methyl isobutyl ketone (Hexone)*		
		Methyl isocyanate*		
		Methyl Methacrylate*		
		Methyl tert-butyl ether*		
		Methylene diphenyl diisocyanate*		
		N,N-Dimethylaniline*		
		N-Nitrosodimethylamine*		
		N-Nitrosomorpholine*		
		N-Nitroso-N-methylurea*		
		o-Anisidine*		
		o-Cresol*		
		Parathion*		
		p-Cresol*		

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		Phosgene* Phosphine* Phthalic anhydride* Polychlorinated biphenyls* Propionaldehyde* Propoxur (Baygon)* Propylene oxide* Quinoline* Quinone* Styrene oxide* Tetrachloroethylene* Toxaphene (chlorinated camphene)* trans-1,3-Dichloropropene* Trichloroethylene* Triethylamine* Trifluralin* Vinyl acetate* Vinyl chloride*		
		Dioxin/Furan	2.93E-7	1.3E-6
		HCl Hydrogen fluoride Hydrogen sulfide Chlorine Titanium tetrachloride Carbon tetrachloride	95.1	416.6
		Arsenic	0.04	0.2
		Beryllium	0.04	0.2
		Cadmium	0.14	0.7
		Chromium	0.04	0.2
		Lead	0.14	0.7
		Mercury	0.09	0.4
		Antimony** Asbestos** Cobalt** Cyanide Compounds** Fine mineral fibers** Manganese** Nickel**	31.0	119.3

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		Phosphorus** Polycylic Organic Matter** Radionuclides** (including radon) Selenium**		
		Hexachlorobenzene	1.7	5.0
		Acrylamide	25.0	5.0
		Bis(chloromethyl)ether	4.0	5.0
111.R1A-F	Quarry Haul Road	PM PM_{10}	6.9 6.9	6.9 6.9
111.T10	Transfer, Truck Unloading into 111.HP1	PM PM_{10}	1.9 1.9	0.8 0.8
111.T12	Transfer, Truck Unloading into 111.HP2	PM PM_{10}	1.9 1.9	0.8 0.8
211.BF1	Dust Collector, Primary Crusher	PM PM_{10}	0.5 0.5	1.9 1.9
211.CR2	Crusher, Brick	PM PM_{10}	0.1 0.1	0.1 0.1
211.CH8	Transfer, 211.BC10 to 211.BC1	PM PM_{10}	0.1 0.1	0.1 0.1
211.T10	Transfer, Loader unloading into 211.HP1	PM PM_{10}	0.1 0.1	0.1 0.1
211.ED10	Brick Crusher Diesel Engine	PM PM_{10} SO_2 VOC CO NO_x	0.2 0.2 0.2 0.2 0.6 2.5	0.1 0.1 0.1 0.1 0.3 1.3
213.BF10	Dust Collector, Sand and Iron Unloading	PM PM_{10}	0.3 0.3	1.0 1.0
213.BF20	Dust Collector, Sand and Iron Transport	PM PM_{10}	0.5 0.5	1.9 1.9
213.BF30	Dust Collector, Iron Spout Discharge	PM PM_{10}	0.1 0.1	0.4 0.4
213.BF40	Dust Collector, Sand Spout Discharge	PM PM_{10}	0.1 0.1	0.4 0.4
213.T1	Transfer, Truck Unloading to 213.HP010	PM PM_{10}	0.5 0.5	0.2 0.2

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
221.BF10	Dust Collector, Stacker Transfer	PM PM_{10}	0.4 0.4	1.8 1.8
221.CH01	Chute, 221.BC10 to 221.ST10	PM PM_{10}	1.9 1.9	1.6 1.6
221.RMB1	Raw Material Building for Sand, Iron and Limestone	PM PM_{10}	0.1 0.1	0.2 0.2
221.T1	Transfer, Stacker Conveyor to Limestone Pile	PM PM_{10}	1.9 1.9	1.6 1.6
311.BF1	Dust Collector, Secondary Crusher	PM PM_{10}	0.2 0.2	0.8 0.8
311.CH1	Chute, Secondary Crusher Discharge	PM PM_{10}	0.1 0.1	0.1 0.1
311.CH10	Chute, Limestone Hopper to 311.AF6	PM PM_{10}	0.1 0.1	0.1 0.1
311.CH11	Chute, 311.AF6 to 311.BC1	PM PM_{10}	0.1 0.1	0.1 0.1
311.CH15	Chute, Gypsum Hopper to 311.AF5	PM PM_{10}	0.1 0.1	0.1 0.1
311.CH16	Chute, 311.AF5 to 311.BC1	PM PM_{10}	0.1 0.1	0.1 0.1
311.CHC	Chute, Discharge into Secondary Crusher	PM PM_{10}	0.1 0.1	0.1 0.1
321.CH01	Chute, 321.RE10 to 321.BC10	PM PM_{10}	1.9 1.9	1.6 1.6
323.BF10	Dust Collector, Sand and Iron to Bins	PM PM_{10}	0.3 0.3	1.0 1.0
323.T1	Chute, Iron/Sand Reclaim to 323.AF10	PM PM_{10}	0.3 0.3	1.1 1.1
325.BF10	Dust Collector, Limestone Bin 325.BN01	PM PM_{10}	0.4 0.4	1.4 1.4
325.BF20	Dust Collector, Raw Material Bins 325.BN04	PM PM_{10}	0.3 0.3	1.0 1.0
325.BF30	Dust Collector, Raw Material Discharge	PM PM_{10}	0.5 0.5	2.1 2.1
326.BF10	Dust Collector, Raw Mill Feed System	PM PM_{10}	0.4 0.4	1.6 1.6
326.BF20	Dust Collector, Reject	PM	0.1	0.3

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
	Loading Spout 326.LS10	PM_{10}	0.1	0.3
326.BF30	Dust Collector, Raw Mill Rejects	PM PM_{10}	0.4 0.4	1.4 1.4
327.BF10	Dust Collector, Raw Material Airslide 327.AS03	PM PM_{10}	0.2 0.2	0.8 0.8
327.BF20	Dust Collector, Raw Material Airslide 327.AS04	PM PM_{10}	0.2 0.2	0.6 0.6
327.BF30	Dust Collector, Raw Material Airslide 327.AS05	PM PM_{10}	0.2 0.2	0.9 0.9
329.BF10	Dust Collector, High Grade Limestone Bin 329.BI01	PM PM_{10}	0.2 0.2	0.7 0.7
329.BF20	Dust Collector, Alleviator 329.AV01 Deaeration	PM PM_{10}	0.1 0.1	0.4 0.4
403.BF3	Dust Collector, 500 Ton Silos	PM PM_{10}	0.3 0.3	1.3 1.3
403.BF4	Dust Collector, 1500 Ton Silo	PM PM_{10}	0.5 0.5	1.9 1.9
403.BF6	Dust Collector, 1500 Ton Silo	PM PM_{10}	0.4 0.4	1.6 1.6
403.BF7	Dust Collector, CKD Truck Loadout DC-61	PM PM_{10}	0.2 0.2	0.7 0.7
403.BF8	Dust Collector, 500 Ton Silos	PM PM_{10}	0.3 0.3	1.3 1.3
403.CHM	Chute, Truck Loading of CKD	PM PM_{10}	0.1 0.1	0.1 0.1
403.CHR	Chute, CKD Truck Loadout	PM PM_{10}	0.1 0.1	0.1 0.1
403.CHU	Chute, Truck Loading of CKD	PM PM_{10}	0.1 0.1	0.1 0.1
403.P1	Pile, CKD	PM PM_{10}	1.4 1.4	5.8 5.8
403.T1	Transfer, Truck Unloading of CKD	PM PM_{10}	0.1 0.1	0.1 0.1
403.T2	Transfer, Trailer Unloading of CKD	PM PM_{10}	0.1 0.1	0.1 0.1

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
40F.TX1	Thermal Oxidizer, LWDF Tanks	PM PM_{10} VOC CO NO_x	0.1 0.1 1.0 0.6 0.1	0.1 0.1 4.4 2.5 0.5
41A.BF10	Dust Collector, Coal/Coke/Gypsum Unloading	PM PM_{10}	0.3 0.3	1.0 1.0
41A.BF20	Dust Collector, Cola/Coke/Gypsum Storage Discharge	PM PM_{10}	0.3 0.3	1.2 1.2
41A.P1	A-frame Coal/Coke Pile	PM PM_{10}	0.1 0.1	0.1 0.1
41A.P2	A-frame Gypsum Pile	PM PM_{10}	0.1 0.1	0.1 0.1
41A.P3	A-frame Limestone Pile	PM PM_{10}	0.1 0.1	0.1 0.1
41A.P5	Outside Coal/Coke Pile	PM PM_{10}	0.1 0.1	0.3 0.3
41A.P6	Outside Gypsum Pile	PM PM_{10}	0.1 0.1	0.1 0.1
41A.P7	Outside Limestone Pile	PM PM_{10}	0.1 0.1	0.1 0.1
41A.T1	Transfer, 41A.BC20 to Gypsum Pile in Chalk Shed	PM PM_{10}	0.4 0.4	0.1 0.1
41A.T2	Transfer, 41A.BC20 to Coal/Coke Pile in Chalk Shed	PM PM_{10}	0.4 0.4	0.1 0.1
41A.T10	Transfer, Rail and Truck Unloading into 41A.HP10	PM PM_{10}	0.4 0.4	0.1 0.1
41F.BF10	Dust Collector, BWDF Bin	Vents to either 443.SK10 or 41F.TX10		
41F.TX10	Thermal Oxidizer, BWDF Kiln Fuels	PM PM_{10} SO_2 VOC CO	0.1 0.1 0.1 0.4 2.3	0.2 0.2 0.1 1.7 9.8

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		NO_x	0.5	1.8
441.BF10	Dust Collector, Blending Silo 441.SI10 Vent	PM PM_{10}	0.4 0.4	0.6 0.6
442.BF10	Dust Collector, Kiln Feed Airslide 442.AS10	PM PM_{10}	0.2 0.2	0.6 0.6
442.BF20	Dust Collector, Kiln Feed System	PM PM_{10}	0.2 0.2	0.9 0.9
443.BF20	Dust Collector, Cement Kiln Dust Bin, 443.BI10	PM PM_{10}	0.2	0.6
443.BF10	Dust Collector, Raw Mill, Preheater and Kiln	PM PM_{10} SO_2 VOC CO NO_x	31.0 31.0 616.0[1] 27.5[1] 2,500.0[2] 678.0[1]	119.3 119.3 2,699.0 120.5 1,714.0 2,970.0
443.BF30	Baghouse, Kiln Bypass			
44B.BF20	Dust Collector, Coal Mill			
443.SK10	Stack, Raw Mill, Kiln, Coal Mill and Bypass Gas Exhaust	1,1,1-Trichloroethane* 1,1,2,2-Tetrachloroethane* 1,1,2-Trichloroethane* 1,1-Dichloroethane* 1,1-Dimethyl hydrazine* 1,2-Dibromo-3-chloropropane* 1,2-Dichloroethane* 1,2-Dichloropropane* 1,2-Diphenylhydrazine* 1,2-Epoxybutane* 1,2-Propylenimine (2-Methylaziridine)* 1,3-Butadiene* 1,3-Propane sultone* 1,4-Dioxane* 1,4-Phenylenediamine* 2,2,4-Trimethylpentane* 2,3,7,8-Tetrachlorodibenzo-p-dioxin* 2,4-D, salts and esters* 2,4-Toluene diamine* 2,4-Toluene diisocyanate* 2-Acetylaminofluorene*	27.5	120.5

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		2-Chloroacetophenone*		
		2-Nitropropane *		
		3,3-Dimethoxybenzidine*		
		3,3'-Dimethyl benzidine*		
		4,4-Methylenebis(2-chloroaniline)*		
		4,4'-Methylenedianiline*		
		4,6-Dinitro-o-cresol, and salts*		
		4-Nitrobiphenyl*		
		Acetaldehyde*		
		Acetamide*		
		Acetonitrile*		
		Acetophenone*		
		Acrolein*		
		Acrylic acid*		
		Benzene*		
		Benzotrichloride*		
		Benzyl chloride*		
		beta-Propiolactone*		
		Biphenyl*		
		Bromoform*		
		Calcium cyanamide*		
		Captan*		
		Carbaryl*		
		Carbonyl sulfide*		
		Catechol*		
		Chloramben*		
		Chlordane*		
		Chloroacetic acid*		
		Chlorobenzilate*		
		Chloromethyl methyl ether*		
		Chloroprene*		
		Cresols/Cresylic acid*		
		DDE*		
		Diazomethane*		
		Dibutylphthalate*		
		Dichlorvos*		
		Diethanolamine*		
		Diethyl sulfate*		
		Dimethyl aminoazobenzene*		

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		Dimethyl carbamoyl chloride*		
		Dimethyl formamide*		
		Dimethyl sulfate*		
		Epichlorohydrin (l-Chloro-2,3epoxypropane)*		
		Ethyl carbamate (Urethane)*		
		Ethyl chloride (Chloroethane)*		
		Ethylene dibromide*		
		Ethylene glycol*		
		Ethylene imine (Aziridine)*		
		Ethylene oxide*		
		Ethylene thiourea*		
		Ethylidene dichloride*		
		Formaldehyde*		
		Glycol ethers*		
		Heptachlor*		
		Hexamethylene-1,6-diisocyanate*		
		Hexamethylphosphoramide*		
		Hydrazine*		
		Lindane (all isomers)*		
		Maleic anhydride*		
		m-Cresol*		
		Methanol*		
		Methoxychlor*		
		Methyl hydrazine*		
		Methyl isobutyl ketone (Hexone)*		
		Methyl isocyanate*		
		Methyl Methacrylate*		
		Methyl tert-butyl ether*		
		Methylene diphenyl diisocyanate*		
		N,N-Dimethylaniline*		
		N-Nitrosodimethylamine*		
		N-Nitrosomorpholine*		
		N-Nitroso-N-methylurea*		
		o-Anisidine*		
		o-Cresol*		
		Parathion*		

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		p-Cresol* Phosgene* Phosphine* Phthalic anhydride* Polychlorinated biphenyls* Propionaldehyde* Propoxur (Baygon)* Propylene oxide* Quinoline* Quinone* Styrene oxide* Tetrachloroethylene* Toxaphene (chlorinated camphene)* trans-1,3-Dichloropropene* Trichloroethylene* Triethylamine* Trifluralin* Vinyl acetate* Vinyl chloride*		
		Dioxin/Furan	2.93E-7	1.3E-6
		HCl Hydrogen fluoride Hydrogen sulfide Chlorine Titanium tetrachloride Carbon tetrachloride	95.1	416.6
		Arsenic Beryllium Cadmium Chromium Lead Mercury	0.04 0.04 0.14 0.04 0.14 0.09	0.2 0.2 0.7 0.2 0.7 0.4
		Antimony** Asbestos** Cobalt** Cyanide Compounds** Fine mineral fibers** Manganese**	31.0	119.3

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		Nickel** Phosphorus** Polycylic Organic Matter** Radionuclides** (including radon) Selenium**		
		Hexachlorobenzene	1.7	5.0
		Acrylamide	25.0	5.0
		Bis(chloromethyl)ether	4.0	5.0
449.BF10	Dust Collector, Clinker Cooler Discharge	PM PM_{10}	0.1 0.1	0.4 0.4
449.BF20	Dust Collector, Clinker Bin Vents	PM PM_{10}	0.2 0.2	0.6 0.6
449.BF30	Dust Collector, Clinker Reclaim Elevator	PM PM_{10}	0.4 0.4	1.5 1.5
449.BF40	Dust Collector, Clinker Dome Vent	PM PM_{10}	0.5 0.5	2.1 2.1
449.BF46	Dust Collector, Clinker Reclaim Conveyor 449.BC05 Discharge	PM PM_{10}	0.2 0.2	0.6 0.6
449.BF50	Dust Collector, Clinker Reclaim Conveyor Transfer	PM PM_{10}	0.2 0.2	0.9 0.9
449.HP2	Hopper, Outside Clinker Reclaim	PM PM_{10}	0.2 0.2	0.1 0.1
449.P1	Pile, Outside Clinker Storage	PM PM_{10}	0.1 0.1	0.2 0.2
449.T1	Transfer, Outside Clinker Belt Discharge	PM PM_{10}	0.5 0.5	1.9 1.9
449.T2	Transfer, Clinker Railcar and Truck Hopper Unloading	PM PM_{10}	1.0 1.0	0.5 0.5
449.T3	Transfer, Clinker Discharge to Railcar/Truck	PM PM_{10}	1.0 1.0	0.5 0.5
449.T4	Transfer, Loader to 449.HP2	PM PM_{10}	0.2 0.2	0.1 0.1

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
44A.BF10	Dust Collector, Apron Feeder 44A.AF10	PM PM_{10}	0.3 0.3	1.0 1.0
44A.T10	Transfer, Loader Unloading into 44A.HP10	PM PM_{10}	0.2 0.2	0.1 0.1
44B.BF10	Dust Collector, Coal Coke Bin Vent	PM PM_{10}	0.1 0.1	0.5 0.5
44B.BF30	Dust Collector, Pulverized Fuel Bin 44C.BI10 Vent	PM PM_{10}	0.1 0.1	0.1 0.1
502.BF1	Dust Collector, Gypsum/Clinker Railcar Loadout	PM PM_{10}	0.2 0.2	0.8 0.8
502.BF2	Dust Collector, Clinker Receiving DC-54	PM PM_{10}	0.2 0.2	0.8 0.8
502.CH3	Chute, Discharge of Gypsum Belt	PM PM_{10}	0.3 0.3	0.3 0.3
502.T1	Transfer, Gypsum Truck/Rail Discharge into Hopper	PM PM_{10}	0.1 0.1	0.1 0.1
502.T2	Transfer, Clinker Truck Discharge into Hopper	PM PM_{10}	0.6 0.6	0.2 0.2
511.BF1	Dust Collector, Outside Clinker Bins Discharge	PM PM_{10}	0.2 0.2	0.8 0.8
533.LS10	Transfer from 511.BI100 to Truck	PM PM_{10}	0.8 0.8	0.4 0.4
514.BF1	Dust Collector on Bin #44	PM PM_{10}	0.3 0.3	1.0 1.0
514.BF2	Dust Collector, #2 Finish Mill	PM PM_{10}	0.7 0.7	3.0 3.0
514.BF3	Dust Collector, #2 Finish Mill Discharge	PM PM_{10} VOC Ethylene Glycol* Diethanolamine*	0.5 0.5 1.3 0.1 0.1	2.0 2.0 1.3 0.1 0.1
514.BF5	Dust Collector, B Belt	PM PM_{10}	0.1 0.1	0.1 0.1
521.BF1	Dust Collector, West Clinker Silo	PM PM_{10}	0.6 0.6	2.6 2.6

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
521.BF2	Dust Collector, East Clinker Silo	PM PM_{10}	0.6 0.6	2.6 2.6
523.BF2	Dust Collector, Clinker Receiving	PM PM_{10}	0.7 0.7	3.0 3.0
524.BF1	Dust Collector, #4 Finish Mill Discharge	PM PM_{10} VOC Ethylene Glycol* Diethanolamine*	1.0 1.0 4.2 0.1 0.1	4.2 4.2 4.2 0.1 0.1
524.BF2	Dust Collector, #4 Finish Mill	PM PM_{10}	1.5 1.5	6.6 6.6
531.BF10	Dust Collector, 531BC.10 Discharge	PM PM_{10}	0.3 0.3	1.0 1.0
531.BF20	Dust Collector, Limestone, Gypsum Bins Vent	PM PM_{10}	0.3 0.3	1.0 1.0
533.BF10	Dust Collector, Finish Mill Feed Bins Discharge	PM PM_{10}	0.2 0.2	0.9 0.9
534.BF10	Dust Collector, Finish Mill Feed System	PM PM_{10}	0.3 0.3	1.2 1.2
534.BF20	Dust Collector, Finish Mill Recirculation System	PM PM_{10}	0.3 0.3	1.0 1.0
535.BF10	Dust Collector, Finish Mill 534.RM10 Discharge	PM PM_{10} VOC Ethylene Glycol* Diethanolamine*	2.0 2.0 5.2 0.1 0.1	5.1 5.1 5.2 0.1 0.1
535.BF20	Dust Collector, Pneumatic Conveying System to Storage	PM PM_{10}	0.1 0.1	0.5 0.5
611.BF1	Dust Collector, Rail DC#24	PM PM_{10}	0.6 0.6	2.4 2.4
611.BF10	Dust Collector, Silos 19 and 20 Discharge to Elevator	PM PM_{10}	0.1 0.1	0.5 0.5
611.BF2	Dust Collector, Rail Silo #25	PM PM_{10}	0.4 0.4	1.9 1.9
611.BF20	Dust Collector, Elevator	PM	0.1	0.3

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
	Discharge	PM_{10}	0.1	0.3
611.BF30	Dust Collector, Rail Loadout Bin Vent	PM PM_{10}	0.2 0.2	0.6 0.6
611.BF40	Dust Collector, Outside Cement Loading to Rail	PM PM_{10}	0.1 0.1	0.3 0.3
612.BF1	Dust Collector, Kaiser Silos DC #21	PM PM_{10}	0.5 0.5	2.1 2.1
612.BF2	Dust Collector	PM PM_{10}	0.2 0.2	0.8 0.8
612.BF3	Dust Collector, Kaiser Silos DC #22	PM PM_{10}	0.2 0.2	0.7 0.7
612.BF4	Dust Collector, Kaiser Silo DC #30	PM PM_{10}	0.2 0.2	0.7 0.7
612.BF5	Dust Collector, Geocem DC #26	PM PM_{10}	0.7 0.7	3.0 3.0
612.BF6	Dust Collector, Masonry Rail Loadout	PM PM_{10}	0.6 0.6	2.4 2.4
621.BF1	Dust Collector, Delta Silo DC #23	PM PM_{10}	0.6 0.6	2.5 2.5
621.BF2	Dust Collector, Truck Loadout DC #28	PM PM_{10}	0.5 0.5	1.9 1.9
621.BF3	Dust Collector, Truck Loadout DC #31/32	PM PM_{10}	0.2 0.2	0.8 0.8
621.BF5	Dust Collector, Truck Loadout DC #49	PM PM_{10}	0.7 0.7	3.0 3.0
ADDS	Additive Deliveries	PM PM_{10}	0.1 0.1	0.1 0.1
BWDF	BWDF Deliveries to Preheater Area	PM PM_{10}	0.1 0.1	0.2 0.2
CACL	CaCl Deliveries to Preheater Area	PM PM_{10}	0.1 0.1	0.1 0.1
CACLALT	CaCl Deliveries to Preheater Area Alternate Route	PM PM_{10}	0.1 0.1	0.1 0.1
CEM	Current Cement Loadout Road	PM PM_{10}	0.2 0.2	0.2 0.2
CEM20	Current Cement Loadout Road Truck/Rail Loadout	PM PM_{10}	0.1 0.1	0.1 0.1

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
CEM80	Current Cement Loadout Road Truck Loadout	PM PM_{10}	0.1 0.1	0.1 0.1
CKD	CKD from Pug Mill to Landfill	PM PM_{10}	0.1 0.1	0.1 0.1
CKDS	CKD from Pug Mill to Highway	PM PM_{10}	0.2 0.2	0.1 0.1
CLKD	Clinker Delivery to Railcar Unloading	PM PM_{10}	0.2 0.2	0.1 0.1
CLKR	Clinker from Railcar Unloading to Dome	PM PM_{10}	0.3 0.3	0.1 0.1
Coal	Coal Delivery by Truck	PM PM_{10}	0.1 0.1	0.1 0.1
Coal2WY	Coal Delivery by Truck 2-way Traffic	PM PM_{10}	0.4 0.4	0.4 0.4
Coal2WYALT	Coal Delivery by Truck 2-way Traffic	PM PM_{10}	0.4 0.4	0.5 0.5
CoalALT	Coal Delivery by Truck	PM PM_{10}	0.1 0.1	0.1 0.1
DRYLIME	Dry Lime Delivery to Preheater Area	PM PM_{10}	0.1 0.1	0.1 0.1
DRYLIMEALT	Dry Lime Delivery to Preheater Area Alternate Route	PM PM_{10}	0.1 0.1	0.1 0.1
GYP	Gypsum Delivery by Truck	PM PM_{10}	0.2 0.2	0.1 0.1
GYP2WY	Gypsum Delivery by Truck 2-way Traffic	PM PM_{10}	0.7 0.7	0.3 0.3
GYPALT	Gypsum Delivery by Truck	PM PM_{10}	0.2 0.2	0.1 0.1
GP2WYALT	Gypsum Delivery by Truck 2-way Traffic	PM PM_{10}	0.8 0.8	0.4 0.4
NCEM	2007 Cement Loadout Road	PM PM_{10}	0.7 0.7	2.1 2.1
RM	Raw Materials to Building	PM PM_{10}	0.2 0.2	0.2 0.2
RM2WY	Raw Materials to Building 2-way Traffic	PM PM_{10}	0.5 0.5	0.3 0.3
RMALT	Raw Materials to Building Alternate Route	PM PM_{10}	0.2 0.2	0.2 0.2

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
RM2WYALT	Raw Materials to Building 2-way Traffic Alternate Route	PM PM_{10}	0.7 0.7	0.4 0.4
SLDWDTIRES	SWDF, LWDF and Tires Delivery	PM PM_{10}	0.3 0.3	1.1 1.1
41F.FT10	25,000 gal LWDF Tank	Vents to 40F.TX1		
41F.FT11	25,000 LWDF Tank	Vents to 40F.TX1		
RCC	Rail Car Cleaning	VOC	0.7	1.0
710.EG10	Emergency Generator	PM PM_{10} SO_2 VOC CO NO_x	0.4 0.4 2.0 0.4 2.8 7.5	0.1 0.1 0.5 0.1 0.7 1.9

*HAPs included in the VOC totals. Other HAPs are not included in any other totals unless specifically stated.
**HAPs included in the PM_{10} totals. Other HAPs are not included in any other total unless specifically stated.
1. 30-day rolling average value
2. 8-hour rolling average value

SECTION III: PERMIT HISTORY

Permit #75-A was issued to Arkansas Cement Corporation Foreman Production facilities on or about September 21, 1971. This permit allowed the installation of three "Precipitair" electrostatic precipitators and supporting equipment at the existing facility. Proposed emissions were 29.58 lb/hr of particulates.

Permit #75-A (modification) allowed the facility to use coal instead of natural gas as the primary fuel to fire the three cement kilns and to replace the three previously approved electrostatic precipitators. This amendment was issued on September 15, 1976.

Permit #75-A (modification) was issued on March 26, 1982. This modification allowed Arkansas Cement to install a gravel bed filter to control particulate discharge from the clinker coolers to replace the multiclone that was being used. Permitted emission rates dropped from 475 lb/hr to 25 lb/hr of particulate.

Permit #75-AR-3 was issued on May 27, 1983, and it rescinded the modification issued on March 26, 1982, because the facility decided to install a Fuller fabric filter with heat recovery instead of the gravel bed filter. This modification also included the replacement of part of the clinker handling system and the installation of a baghouse to control emissions generated at this crossover point. This modification added 1 lb/hr of particulate emissions.

Permit #75-AR-4 was issued on January 29, 1988. This modification changed the name of the facility to Ash Grove Cement Company and consolidated the existing emissions sources into one permit and placed restrictions on the use of waste-derived fuel at this facility. This permit allowed emissions of 99.9 lb/hr of TSP, 787 lb/hr of SO_2, 39 lb/hr of chlorine, 0.048 lb/hr of lead, and 0.006 lb/hr of chromium.

Permit #75-AR-5 was issued on June 30, 1989. This permit allowed Ash Grove to burn solid hazardous waste in the cement kilns. This permit allowed emissions of 92.2 lb/hr TSP, 1574 lb/hr of SO_2, 164.6 lb/hr of HCl, 0.22 lb/hr of lead, and 0.316 lb/hr of chromium.

Permit #75-AR-6 was issued on July 8, 1991. This permit allowed Ash Grove to change the outlet nozzles of the ESPs so that each kiln could vent to a single stack. Emissions were not increased due to this modification.

Permit #75-AR-7 was issued on November 13, 1991. This modification allowed all sources, regardless of size, to be permitted. No changes in operation were made. Emissions consisted of 553 tpy TSP, 6,894.1 tpy SO_2, 721 tpy HCl, 0.964 tpy lead, and 1.39 tpy chromium.

Permit #75-AR-8 was issued on June 15, 1994. This permit covered the installation of CEMS required by the BIF rule. Permit #75-AR-7 was modified so that the Air Permit monitoring requirements for SO_2, NO_x, and CO could be satisfied by the new CEMS. This modification also added two product storage silos and related materials handling equipment to improve the loading and shipping of finished product, and modified four existing dust control baghouses in a manner

that resulted in four new point discharge stacks. The carbon adsorption system on the liquid waste fuel storage tanks was replaced by a liquid nitrogen recovery condenser. These changes did not result in any changes to the emission rates at this facility.

Permit #75-AR-9 was issued on February 11, 1998. This modification authorized Ash Grove to burn waste tires as fuel. Emission rates for SO_2 were increased and emission rates for NO_x and CO were added. Emission totals listed in this permit were 567 tpy PM_{10}, 5,740 tpy SO_2, 1,183 tpy CO, 9,080 tpy NO_x, 0.964 tpy lead, and 3.0 tpy VOC.

Permit 1235-AR-1 was issued on November 7, 1995. This permit is for the limestone quarry located at the Ash Grove site. The requirements for this quarry are being incorporated into this permit. The quarry is permitted to emit 4.3 lb/hr and 19.0 tpy of PM/PM_{10}.

Permit 75-AOP-R0 was the initial Title V permit issued to Ash Grove Cement in Foreman, Arkansas on October 2, 2002. This permit allowed for several changes at this facility. The portable crusher (SN-R22) was permitted for the first time. Ash Grove installed 10 new LWDF tanks and changed the control device to a thermal oxidizer with a carbon adsorption backup system. A clinker storage dome was added to the facility and the ESPs used to control emissions from the kilns were refurbished. Also, the quarry (formerly permitted under permit #1235-AR-1) which supplies limestone for use in the cement kilns was included in this permit. The permit also incorporated the requirements of 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry, and 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.

Permit 75-AOP-R1 was issued on May 30, 2003. This modification allowed Ash Grove to construct a new cement kiln dust (CKD) handling system (SN-P32, SN- P33, SN-P34, SN-P35 and SN-P36) and remove baghouses P18 and P19. This system allowed the CKD to be pneumatically conveyed across the highway to a new CKD landfill and it also allowed some of the CKD to be recycled to kiln #3. This modification resulted in net PM/PM_{10} emissions increases of 0.8 lb/hr and 2.6 tpy from the CKD handling equipment and 4 proposed new fabric filter dust collectors. Also, Ash Grove constructed a baghouse (SN-C44). This change resulted in an increase of PM/PM_{10} emissions of 0.17 lb/hr and 0.75 tpy. Finally, Ash Grove Cement Company added 3 drag conveyors and replaced 2 bucket conveyors and a belt conveyor that were part of the clinker handling system. The two bucket conveyors were the number 6 and number 7 bucket conveyors. The belt conveyor was the 440 belt. These conveyors are subject to all applicable sections of 40 CFR 63, Subpart LLL. No additional emissions are resulted from this modification.

Permit 75-AOP-R2 was issued on May 4, 2005. This modification combined and incorporated several requests for minor modifications to the Title V permit. This modification allowed for a redesign of the CKD handling system (SN-P32 through SN-P36) and the addition of P37. It was discovered that the system required additional conveying air. This modification also allowed Ash Grove to install a belt conveyor with integrated dust collector (SN-P38) to the CKD handling system.

Ash Grove has been given approval to manufacture a new product named DURACEM OW. Manufacture of this product will result in no increase in process emissions, however; there will be an increase in fugitive emissions from the haul roads (SN-R20). Finally, the facility replaced a bucket elevator in the Chalk Dryer System with a drag conveyor. No additional emissions occurred as a result of this change.

These changes resulted in net emissions increases of 1.5 tpy of PM and 3.1 tpy PM_{10} emissions from this facility.

Permit 75-AOP-R3 was issued on August 29, 2005. This modification allowed Ash Grove to install an additional baghouse for bins 26 and 27. The increased air flow resulting from installation of this new baghouse caused potential emissions increased by 4.5 tpy PM_{10}. This modification also corrected typographical errors found in 75-AOP-R2.

Permit 75-AOP-R4 was issued on January 12, 2006. Hydrogen chloride emissions were increased to match the emission rates allowed by 40 CFR 63, Subpart EEE. Other HAP emission rates were increased based on recent stack testing. Permitted increases were 597.7 tpy hydrogen chloride, 0.16 tpy acrylonitrile, 1.55 tpy benzene, 0.15 tpy bezidine, 0.11 tpy toluene, 0.16 tpy vinyl chloride. Ash Grove also changed the minimum kVa for each electrostatic precipitator based on data collected during the comprehensive performance test. The new minimum 3-hour rolling average kVa values are 198, 202, and 101 for kilns 1, 2, and 3 respectively.

Permit 75-AOP-R5 was issued on May 12, 2006. This modification allowed Ash Grove to install an additional baghouse (SN-P-39) on the 500 ton CKD Bin (SN-P35) and to replace a conveyor belt and add two baghouses (SN-C45 and C-46) to the clinker silos. These changes resulted in a permitted emissions increase of 2.4 tpy PM/PM_{10}.

Permit 75-AOP-R6 was issued on September 18, 2006. This modification allowed Ash Grove to replace an existing screw conveyor with a weigh belt (SN-M12) and add a conveyor belt to allow the addition of limestone to Mill No. 4 (SN-M46). This project resulted in additional permitted PM emissions of 0.5 tpy and PM_{10} emissions of 0.2 tpy.

Permit 75-AOP-R7 was issued on May 15, 2007. This modification allowed Ash Grove to construct a new dry-process preheater/precalciner (PH/PC) cement kiln system at this facility as a modernized replacement for the three existing wet-process cement kilns. This change triggered PSD review for VOC and CO.

SECTION IV: SPECIFIC CONDITIONS

Material Handling Transfer Point Emissions Subject to 40 CFR 63, Subpart LLL

Source Description

Raw materials, intermediate and final products and process wastes are moved about the facility using a combination of belt, chutes and pneumatic transfer.

Specific Conditions

1. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
41A.T10	Transfer, Rail and Truck Unloading into 41A.HP10	PM_{10}	0.4	0.1
44A.T10	Transfer, Loader Unloading into 44A.HP10	PM_{10}	0.2	0.1
403.CHM	Chute, Truck Loading of CKD	PM_{10}	0.1	0.1
403.CHR	Chute, CKD Truck Loadout	PM_{10}	0.1	0.1
403.CHU	Chute, Truck Loading of CKD	PM_{10}	0.1	0.1
403.T1	Transfer, Truck Unloading of CKD	PM_{10}	0.1	0.1
403.T2	Transfer, Trailer Unloading of CKD	PM_{10}	0.1	0.1
449.HP2	Hopper, Outside Clinker Reclaim	PM_{10}	0.2	0.1
449.T1	Transfer, Outside Clinker Belt Discharge	PM_{10}	0.5	1.9
449.T2	Transfer, Clinker Railcar and Truck Hopper Unloading	PM_{10}	1.0	0.5
449.T3	Transfer, Clinker Discharge to Railcar/Truck	PM_{10}	1.0	0.5
449.T4	Transfer, Loader to 449.HP2	PM_{10}	0.2	0.1
533.LS10	Transfer from 511.BI100 to Truck	PM_{10}	0.8	0.4
502.CH3	Chute, Discharge of Gypsum Belt	PM_{10}	0.3	0.3

502.T1	Transfer, Gypsum Truck/Rail Discharge into Hopper	PM_{10}	0.1	0.1
502.T2	Transfer, Clinker Truck Discharge into Hopper	PM_{10}	0.6	0.2

2. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
41A.T10	Transfer, Rail and Truck Unloading into 41A.HP10	PM	0.4	0.1
44A.T10	Transfer, Loader Unloading into 44A.HP10	PM	0.2	0.1
403.CHM	Chute, Truck Loading of CKD	PM	0.1	0.1
403.CHR	Chute, CKD Truck Loadout	PM	0.1	0.1
403.CHU	Chute, Truck Loading of CKD	PM	0.1	0.1
403.T1	Transfer, Truck Unloading of CKD	PM	0.1	0.1
403.T2	Transfer, Trailer Unloading of CKD	PM	0.1	0.1
449.HP2	Hopper, Outside Clinker Reclaim	PM	0.2	0.1
449.T1	Transfer, Outside Clinker Belt Discharge	PM	0.5	1.9
449.T2	Transfer, Clinker Railcar and Truck Hopper Unloading	PM	1.0	0.5
449.T3	Transfer, Clinker Discharge to Railcar/Truck	PM	1.0	0.5
449.T4	Transfer, Loader to 449.HP2	PM	0.2	0.1
533.LS10	Transfer from 511.BI100 to Truck	PM	0.8	0.4
502.CH3	Chute, Discharge of Gypsum Belt	PM	0.3	0.3
502.T1	Transfer, Gypsum Truck/Rail Discharge into	PM	0.1	0.1

	Hopper			
502.T2	Transfer, Clinker Truck Discharge into Hopper	PM	0.6	0.2

3. These sources are considered affected sources under 40 CFR Part 63, Subpart LLL, and are subject to the standards for transfer points listed in the following table. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart LLL]

40 CFR 63, Subpart LLL	
40 CFR 63, §63.1340(a)	(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this subpart apply to each new and existing portland cement plant which is a major source or an area source as defined in §63.2.
40 CFR 63, §63.1340(c)	(c) For portland cement plants with on-site nonmetallic mineral processing facilities, the first affected source in the sequence of materials handling operations subject to this subpart is the raw material storage, which is just prior to the raw mill. Any equipment of the on-site nonmetallic mineral processing plant which precedes the raw material storage is not subject to this subpart. In addition, the primary and secondary crushers of the on-site nonmetallic mineral processing plant, regardless of whether they precede the raw material storage, are not subject to this subpart. Furthermore, the first conveyor transfer point subject to this subpart is the transfer point associated with the conveyor transferring material from the raw material storage to the raw mill.
40 CFR 63, §63.1340(d)	(d) The owner or operator of any affected source subject to the provisions of this subpart is subject to title V permitting requirements.
40 CFR 63, §63.1348	The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged any gases from these affected sources which exhibit opacity in excess of ten percent.
40 CFR 63, §63.1349(a)	(a) The owner or operator of an affected source subject to this subpart shall demonstrate initial compliance with the emission limits of §63.1343 and §§63.1345 through 63.1348 using the test methods and procedures in paragraph (b) of this section and §63.7. Performance test results shall be documented in complete test reports that contain the information required by paragraphs (a)(1) through (a)(10) of this section, as well as all other relevant information. The plan to be followed during testing shall be made available to the Administrator prior to testing, if requested.
40 CFR 63, §63.1349(a)(1)	(1) A brief description of the process and the air pollution control system;
40 CFR 63, §63.1349(a)(2)	(2) Sampling location description(s);

40 CFR 63, §63.1349(a)(3)	(3) A description of sampling and analytical procedures and any modifications to standard procedures;
40 CFR 63, §63.1349(a)(4)	(4) Test results;
40 CFR 63, §63.1349(a)(5)	(5) Quality assurance procedures and results;
40 CFR 63, §63.1349(a)(6)	(6) Records of operating conditions during the test, preparation of standards, and calibration procedures;
40 CFR 63, §63.1349(a)(7)	(7) Raw data sheets for field sampling and field and laboratory analyses;
40 CFR 63, §63.1349(a)(8)	(8) Documentation of calculations;
40 CFR 63, §63.1349(a)(9)	(9) All data recorded and used to establish parameters for compliance monitoring; and
40 CFR 63, §63.1349(a)(10)	(10) Any other information required by the test method.
40 CFR 63, §63.1349(b)(2)	(2) The owner or operator of any affected source subject to limitations on opacity under this subpart that is not subject to paragraph (b)(1) of this section shall demonstrate initial compliance with the affected source opacity limit by conducting a test in accordance with Method 9 of appendix A to part 60 of this chapter. The performance test shall be conducted under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with §63.7(e). The maximum 6-minute average opacity exhibited during the test period shall be used to determine whether the affected source is in initial compliance with the standard. The duration of the Method 9 performance test shall be 3 hours (30 6-minute averages), except that the duration of the Method 9 performance test may be reduced to 1 hour if the conditions of paragraphs (b)(2)(i) through (ii) of this section apply:
40 CFR 63, §63.1349(b)(2)(i)	(i) There are no individual readings greater than 10 percent opacity;
40 CFR 63, §63.1349(b)(2)(ii)	(ii) There are no more than three readings of 10 percent for the first 1-hour period.
40 CFR 63, §63.1350(a)(4)(i)	(i) The owner or operator must conduct a monthly 1-minute visible emissions test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation.
40 CFR 63, §63.1350(a)(4)(ii)	(ii) If no visible emissions are observed in six consecutive monthly tests for any affected source, the owner or operator may decrease the frequency of testing from monthly to semi-annually for that affected source. If visible emissions are observed during any semi-annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.

40 CFR 63, §63.1350(a)(4)(iii)	(iii) If no visible emissions are observed during the semi-annual test for any affected source, the owner or operator may decrease the frequency of testing from semi-annually to annually for that affected source. If visible emissions are observed during any annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.
40 CFR 63, §63.1350(a)(4)(iv)	(iv) If visible emissions are observed during any Method 22 test, the owner or operator must conduct a 6-minute test of opacity in accordance with Method 9 of appendix A to part 60 of this chapter. The Method 9 test must begin within one hour of any observation of visible emissions.
40 CFR 63, §63.1350(a)(4)(v)	(v) The requirement to conduct Method 22 visible emissions monitoring under this paragraph shall not apply to any totally enclosed conveying system transfer point, regardless of the location of the transfer point. "Totally enclosed conveying system transfer point" shall mean a conveying system transfer point that is enclosed on all sides, top, and bottom. The enclosures for these transfer points shall be operated and maintained as total enclosures on a continuing basis in accordance with the facility operations and maintenance plan.
40 CFR 63, §63.1350(a)(4)(vi)	(vi) If any partially enclosed or unenclosed conveying system transfer point is located in a building, the owner or operator of the portland cement plant shall have the option to conduct a Method 22 visible emissions monitoring test according to the requirements of paragraphs (a)(4)(i) through (iv) of this section for each such conveying system transfer point located within the building, or for the building itself, according to paragraph (a)(4)(vii) of this section.
40 CFR 63, §63.1350(a)(4)(vii)	(vii) If visible emissions from a building are monitored, the requirements of paragraphs (a)(4)(i) through (iv) of this section apply to the monitoring of the building, and you must also test visible emissions from each side, roof and vent of the building for at least 1 minute. The test must be conducted under normal operating conditions.
40 CFR 63, §63.1350(b)	(b) Failure to comply with any provision of the operations and maintenance plan developed in accordance with paragraph (a) of this section shall be a violation of the standard.
40 CFR 63, §63.1350(j)	(j) The owner or operator of an affected source subject to a limitation on opacity under §63.1346 or §63.1348 shall monitor opacity in accordance with the operation and maintenance plan developed in accordance with paragraph (a) of this section.
40 CFR 63, §63.1351(b)	(b) The compliance date for an owner or operator of an affected source subject to the provisions of this subpart that commences new construction or reconstruction after March 24, 1998 is June 14, 1999 or upon startup of operations, whichever is later.

40 CFR 63, §63.1353(a)	(a) The notification provisions of 40 CFR part 63, subpart A that apply and those that do not apply to owners and operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a notice that contains all of the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.
40 CFR 63, §63.1353(b)	(b) Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in §63.9 as follows:
40 CFR 63, §63.1353(b)(1)	(1) Initial notifications as required by §63.9(b) through (d). For the purposes of this subpart, a Title V or 40 CFR part 70 permit application may be used in lieu of the initial notification required under §63.9(b), provided the same information is contained in the permit application as required by §63.9(b), and the State to which the permit application has been submitted has an approved operating permit program under part 70 of this chapter and has received delegation of authority from the EPA. Permit applications shall be submitted by the same due dates as those specified for the initial notification.
40 CFR 63, §63.1353(b)(2)	(2) Notification of performance tests, as required by §§63.7 and 63.9(e).
40 CFR 63, §63.1353(b)(3)	(3) Notification of opacity and visible emission observations required by §63.1349 in accordance with §§63.6(h)(5) and 63.9(f).
40 CFR 63, §63.1353(b)(4)	(4) Notification, as required by §63.9(g), of the date that the continuous emission monitor performance evaluation required by §63.8(e) is scheduled to begin.
40 CFR 63, §63.1353(b)(5)	(5) Notification of compliance status, as required by §63.9(h).
40 CFR 63, §63.1354(a)	(a) The reporting provisions of subpart A of this part that apply and those that do not apply to owners or operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a report that contains all of the information required in a report listed in this section, the owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.
40 CFR 63, §63.1354(b)	(b) The owner or operator of an affected source shall comply with the reporting requirements specified in §63.10 of the general provisions of this part 63, subpart A as follows:
40 CFR 63, §63.1354(b)(1)	(1) As required by §63.10(d)(2), the owner or operator shall report the results of performance tests as part of the notification of compliance status.
40 CFR 63, §63.1354(b)(2)	(2) As required by §63.10(d)(3), the owner or operator of an affected source shall report the opacity results from tests required by §63.1349.
40 CFR 63, §63.1354(b)(3)	(3) As required by §63.10(d)(4), 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 by the dates specified in the written extension of compliance.

40 CFR 63, §63.1354(b)(4)	(4) As required by §63.10(d)(5), 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 specified in §63.6(e)(3), the owner or operator shall state such information in a semiannual report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report may be submitted simultaneously with the excess emissions and continuous monitoring system performance reports; and
40 CFR 63, §63.1354(b)(5)	(5) 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 in the startup, shutdown, and malfunction plan, the owner or operator shall make an immediate report of the actions taken for that event within 2 working days, by telephone call or facsimile (FAX) transmission. The immediate report shall be followed by a letter, certified by the owner or operator or other responsible official, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred.
40 CFR 63, §63.1354(b)(6)	(6) As required by §63.10(e)(2), the owner or operator shall submit a written report of the results of the performance evaluation for the continuous monitoring system required by §63.8(e). The owner or operator shall submit the report simultaneously with the results of the performance test.
40 CFR 63, §63.1354(b)(7)	(7) As required by §63.10(e)(2), the owner or operator of an affected source using a continuous opacity monitoring system to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall report the results of the continuous opacity monitoring system performance evaluation conducted under §63.8(e).
40 CFR 63, §63.1354(b)(8)	(8) As required by §63.10(e)(3), the owner or operator of an affected source equipped with a continuous emission monitor shall submit an excess emissions and continuous monitoring system performance report for any event when the continuous monitoring system data indicate the source is not in compliance with the applicable emission limitation or operating parameter limit.
40 CFR 63, §63.1354(b)(9)	(9) The owner or operator shall submit a summary report semiannually which contains the information specified in §63.10(e)(3)(vi). In addition, the summary report shall include:
40 CFR 63, §63.1354(b)(9)(v)	(v) All failures to comply with any provision of the operation and maintenance plan developed in accordance with §63.1350(a).
40 CFR 63, §63.1354(b)(10)	(10) If the total continuous monitoring system downtime for any CEM or any continuous monitoring system (CMS) for the reporting period is ten percent or greater of the total operating time for the reporting period, the owner or operator shall submit an excess emissions and continuous monitoring system performance report along with the summary report.

40 CFR 63, §63.1355(a)	(a) The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by §63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two years of data shall be retained on site. The remaining three years of data may be retained off site. The files may be maintained on microfilm, on a computer, on floppy disks, on magnetic tape, or on microfiche.
40 CFR 63, §63.1355(b)	(b) The owner or operator shall maintain records for each affected source as required by §63.10(b)(2) and (b)(3) of this part; and
40 CFR 63, §63.1355(b)(1)	(1) All documentation supporting initial notifications and notifications of compliance status under §63.9;
40 CFR 63, §63.1355(b)(2)	(2) All records of applicability determination, including supporting analyses; and
40 CFR 63, §63.1355(b)(3)	(3) If the owner or operator has been granted a waiver under §63.8(f)(6), any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements.
40 CFR 63, §63.1355(c)	(c) In addition to the recordkeeping requirements in paragraph (b) of this section, the owner or operator of an affected source equipped with a continuous monitoring system shall maintain all records required by §63.10(c).

Dust Collectors Subject to 40 CFR 63, Subpart LLL

Source Description

Emissions from these transfer points located throughout the facility are controlled by dust collectors.

Specific Conditions

4. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
514.BF1	Dust Collector on Bin #44	PM_{10}	0.3	1.0
514.BF2	Dust Collector, #2 Finish Mill	PM_{10}	0.7	3.0
514.BF3	Dust Collector, #2 Finish Mill Discharge	PM_{10} VOC	0.5 1.3	2.0 1.3
514.BF5	Dust Collector, B Belt	PM_{10}	0.1	0.1
524.BF1	Dust Collector, #4 Finish Mill Discharge	PM_{10} VOC	1.0 4.2	4.2 4.2
524.BF2	Dust Collector, #4 Finish Mill	PM_{10}	1.5	6.6
611.BF1	Dust Collector, Rail DC#24	PM_{10}	0.6	2.4
611.BF10	Dust Collector, Silos 19 and 20 Discharge to Elevator	PM_{10}	0.1	0.5
611.BF2	Dust Collector, Rail Silo #25	PM_{10}	0.4	1.9
611.BF20	Dust Collector, Elevator Discharge	PM_{10}	0.1	0.3
611.BF30	Dust Collector, Rail Loadout Bin Vent	PM_{10}	0.2	0.6
611.BF40	Dust Collector, Outside Cement Loading to Rail	PM_{10}	0.1	0.3
403.BF3	Dust Collector, 500 Ton Silos	PM_{10}	0.3	1.3
403.BF4	Dust Collector, 1500 Ton Silo	PM_{10}	0.5	1.9
403.BF6	Dust Collector, 1500 Ton Silo	PM_{10}	0.4	1.6
403.BF7	Dust Collector, CKD Truck Loadout DC-61	PM_{10}	0.2	0.7

403.BF8	Dust Collector, 500 Ton Silos	PM_{10}	0.3	1.3
612.BF1	Dust Collector, Kaiser Silos DC #21	PM_{10}	0.5	2.1
612.BF2	Dust Collector	PM_{10}	0.2	0.8
612.BF3	Dust Collector, Kaiser Silos DC #22	PM_{10}	0.2	0.7
612.BF4	Dust Collector, Kaiser Silo DC #30	PM_{10}	0.2	0.7
612.BF5	Dust Collector, Geocem DC #26	PM_{10}	0.7	3.0
612.BF6	Dust Collector, Masonry Rail Loadout	PM_{10}	0.6	2.4
621.BF1	Dust Collector, Delta Silo DC #23	PM_{10}	0.6	2.5
621.BF2	Dust Collector, Truck Loadout DC #28	PM_{10}	0.5	1.9
621.BF3	Dust Collector, Truck Loadout DC #31/32	PM_{10}	0.2	0.8
621.BF5	Dust Collector, Truck Loadout DC #49	PM_{10}	0.7	3.0
449.BF20	Dust Collector, Clinker Bin Vents	PM_{10}	0.2	0.6
449.BF30	Dust Collector, Clinker Reclaim Elevator	PM_{10}	0.4	1.5
449.BF40	Dust Collector, Clinker Dome Vent	PM_{10}	0.5	2.1
449.BF46	Dust Collector, Clinker Reclaim Conveyor 449.BC05 Discharge	PM_{10}	0.2	0.6
449.BF50	Dust Collector, Clinker Reclaim Conveyor Transfer	PM_{10}	0.2	0.9
511.BF1	Dust Collector, Outside Clinker Bins Discharge	PM_{10}	0.2	0.8
521.BF1	Dust Collector, West Clinker Silo	PM_{10}	0.6	2.6
521.BF2	Dust Collector, East Clinker Silo	PM_{10}	0.6	2.6
523.BF2	Dust Collector, Clinker Receiving	PM_{10}	0.1	0.1
531.BF10	Dust Collector, 531BC.10 Discharge	PM_{10}	0.3	1.0
531.BF20	Dust Collector, Limestone, Gypsum Bins Vent	PM_{10}	0.3	1.0
533.BF10	Dust Collector, Finish Mill Feed Bins Discharge	PM_{10}	0.2	0.9

44B.BF30	Dust Collector, Pulverized Fuel Bin 44C.BI10 Vent	PM_{10}	0.1	0.1
502.BF1	Dust Collector, Gypsum/Clinker Railcar Loadout	PM_{10}	0.2	0.8
502.BF2	Dust Collector, Clinker Receiving DC-54	PM_{10}	0.2	0.8
449.BF10	Dust Collector, Clinker Cooler Discharge	PM_{10}	0.1	0.4
327.BF30	Dust Collector, Raw Material Airslide 327.AS05	PM_{10}	0.2	0.9
441.BF10	Dust Collector, Blending Silo 441.SI10 Vent	PM_{10}	0.4	0.6
442.BF10	Dust Collector, Kiln Feed Airslide 442.AS10	PM_{10}	0.2	0.6
442.BF20	Dust Collector, Kiln Feed System	PM_{10}	0.2	0.9
443.BF20	Dust Collector, Cement Kiln Dust Bin 443.BI10	PM_{10}	0.2	0.6
326.BF10	Dust Collector, Raw Mill Feed System	PM_{10}	0.4	1.6
326.BF20	Dust Collector, Reject Loading Spout 326.LS10	PM_{10}	0.1	0.3
326.BF30	Dust Collector, Raw Mill Rejects	PM_{10}	0.4	1.4
327.BF10	Dust Collector, Raw Material Airslide 327.AS03	PM_{10}	0.2	0.8
327.BF20	Dust Collector, Raw Material Airslide 327.AS04	PM_{10}	0.2	0.6
329.BF10	Dust Collector, High Grade Limestone Bin 329.BI01	PM_{10}	0.2	0.7
329.BF20	Dust Collector, Alleviator 329.AV01 Deaeration	PM_{10}	0.1	0.4
534.BF10	Dust Collector, Finish Mill Feed System	PM_{10}	0.3	1.2
534.BF20	Dust Collector, Finish Mill Recirculation System	PM_{10}	0.3	1.0
535.BF10	Dust Collector, Finish Mill 534.RM10 Discharge	PM_{10} VOC	2.0 5.2	5.1 5.2
535.BF20	Dust Collector, Pneumatic Conveying System to Storage	PM_{10}	0.1	0.5

5. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide

Condition 5. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
514.BF1	Dust Collector on Bin #44	PM	0.3	1.0
514.BF2	Dust Collector, #2 Finish Mill	PM	0.7	3.0
514.BF3	Dust Collector, #2 Finish Mill Discharge	PM Ethylene Glycol Diethanolamine	0.5 0.1 0.1	2.0 0.1 0.1
514.BF5	Dust Collector, B Belt	PM	0.1	0.1
524.BF1	Dust Collector, #4 Finish Mill Discharge	PM Ethylene Glycol Diethanolamine	1.0 0.1 0.1	4.2 0.1 0.1
524.BF2	Dust Collector, #4 Finish Mill	PM	1.5	6.6
611.BF1	Dust Collector, Rail DC#24	PM	0.6	2.4
611.BF10	Dust Collector, Silos 19 and 20 Discharge to Elevator	PM	0.1	0.5
611.BF2	Dust Collector, Rail Silo #25	PM	0.4	1.9
611.BF20	Dust Collector, Elevator Discharge	PM	0.1	0.3
611.BF30	Dust Collector, Rail Loadout Bin Vent	PM	0.2	0.6
611.BF40	Dust Collector, Outside Cement Loading to Rail	PM	0.1	0.3
403.BF3	Dust Collector, 500 Ton Silos	PM	0.3	1.3
403.BF4	Dust Collector, 1500 Ton Silo	PM	0.5	1.9
403.BF6	Dust Collector, 1500 Ton Silo	PM	0.4	1.6
403.BF7	Dust Collector, CKD Truck Loadout DC-61	PM	0.2	0.7
403.BF8	Dust Collector, 500 Ton Silos	PM	0.3	1.3
612.BF1	Dust Collector, Kaiser Silos DC #21	PM	0.5	2.1

612.BF2	Dust Collector	PM	0.2	0.8
612.BF3	Dust Collector, Kaiser Silos DC #22	PM	0.2	0.7
612.BF4	Dust Collector, Kaiser Silo DC #30	PM	0.2	0.7
612.BF5	Dust Collector, Geocem DC #26	PM	0.7	3.0
612.BF6	Dust Collector, Masonry Rail Loadout	PM	0.6	2.4
621.BF1	Dust Collector, Delta Silo DC #23	PM	0.6	2.5
621.BF2	Dust Collector, Truck Loadout DC #28	PM	0.5	1.9
621.BF3	Dust Collector, Truck Loadout DC #31/32	PM	0.2	0.8
621.BF5	Dust Collector, Truck Loadout DC #49	PM	0.7	3.0
449.BF20	Dust Collector, Clinker Bin Vents	PM	0.2	0.6
449.BF30	Dust Collector, Clinker Reclaim Elevator	PM	0.4	1.5
449.BF40	Dust Collector, Clinker Dome Vent	PM	0.5	2.1
440.BF46	Dust Collector, Clinker Reclaim Conveyor 449.BC05 Discharge	PM	0.2	0.6
449.BF50	Dust Collector, Clinker Reclaim Conveyor Transfer	PM	0.2	0.9
511.BF1	Dust Collector, Outside Clinker Bins Discharge	PM	0.2	0.8
521.BF1	Dust Collector, West Clinker Silo	PM	0.6	2.6
521.BF2	Dust Collector, East Clinker Silo	PM	0.6	2.6
523.BF2	Dust Collector, Clinker Receiving	PM	0.1	0.1
531.BF10	Dust Collector, 531BC.10 Discharge	PM	0.3	1.0
531.BF20	Dust Collector, Limestone, Gypsum Bins Vent	PM	0.3	1.0
533.BF10	Dust Collector, Finish Mill Feed Bins	PM	0.2	0.9

	Discharge			
44B.BF30	Dust Collector, Pulverized Fuel Bin 44C.BI10 Vent	PM	0.1	0.1
502.BF1	Dust Collector, Gypsum/Clinker Railcar Loadout	PM	0.2	0.8
502.BF2	Dust Collector, Clinker Receiving DC-54	PM	0.2	0.8
449.BF10	Dust Collector, Clinker Cooler Discharge	PM	0.1	0.4
327.BF30	Dust Collector, Raw Material Airslide 327.AS05	PM	0.2	0.9
441.BF10	Dust Collector, Blending Silo 441.SI10 Vent	PM	0.4	0.6
442.BF10	Dust Collector, Kiln Feed Airslide 442.AS10	PM	0.2	0.6
442.BF20	Dust Collector, Kiln Feed System	PM	0.2	0.9
443.BF20	Dust Collector, Cement Kiln Dust Bin 443.BI10	PM	0.2	0.6
326.BF10	Dust Collector, Raw Mill Feed System	PM	0.4	1.6
326.BF20	Dust Collector, Reject Loading Spout 326.LS10	PM	0.1	0.3
326.BF30	Dust Collector, Raw Mill Rejects	PM	0.4	1.4
327.BF10	Dust Collector, Raw Material Airslide 327.AS03	PM	0.2	0.8
327.BF20	Dust Collector, Raw Material Airslide 327.AS04	PM	0.2	0.6
329.BF10	Dust Collector, High Grade Limestone Bin 329.BI01	PM	0.2	0.7
329.BF20	Dust Collector, Alleviator 329.AV01 Deaeration	PM	0.1	0.4

534.BF10	Dust Collector, Finish Mill Feed System	PM	0.3	1.2
534.BF20	Dust Collector, Finish Mill Recirculation System	PM	0.3	1.0
535.BF10	Dust Collector, Finish Mill 534.RM10 Discharge	PM Ethylene Glycol Diethanolamine	2.0 0.1 0.1	5.1 0.1 0.1
535.BF20	Dust Collector, Pneumatic Conveying System to Storage	PM	0.1	0.5

6. These sources are considered affected sources under 40 CFR Part 63, Subpart LLL, and are subject to the standards for dust collectors listed in the following table. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart LLL]

40 CFR 63, Subpart LLL	
40 CFR 63, §63.1340(a)	(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this subpart apply to each new and existing portland cement plant which is a major source or an area source as defined in §63.2.
40 CFR 63, §63.1340(c)	(c) For portland cement plants with on-site nonmetallic mineral processing facilities, the first affected source in the sequence of materials handling operations subject to this subpart is the raw material storage, which is just prior to the raw mill. Any equipment of the on-site nonmetallic mineral processing plant which precedes the raw material storage is not subject to this subpart. In addition, the primary and secondary crushers of the on-site nonmetallic mineral processing plant, regardless of whether they precede the raw material storage, are not subject to this subpart. Furthermore, the first conveyor transfer point subject to this subpart is the transfer point associated with the conveyor transferring material from the raw material storage to the raw mill.
40 CFR 63, §63.1340(d)	(d) The owner or operator of any affected source subject to the provisions of this subpart is subject to title V permitting requirements.
40 CFR 63, §63.1348	The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged any gases from these affected sources which exhibit opacity in excess of ten percent.

40 CFR 63, §63.1349(a)	(a) The owner or operator of an affected source subject to this subpart shall demonstrate initial compliance with the emission limits of §63.1343 and §§63.1345 through 63.1348 using the test methods and procedures in paragraph (b) of this section and §63.7. Performance test results shall be documented in complete test reports that contain the information required by paragraphs (a)(1) through (a)(10) of this section, as well as all other relevant information. The plan to be followed during testing shall be made available to the Administrator prior to testing, if requested.
40 CFR 63, §63.1349(a)(1)	(1) A brief description of the process and the air pollution control system;
40 CFR 63, §63.1349(a)(2)	(2) Sampling location description(s);
40 CFR 63, §63.1349(a)(3)	(3) A description of sampling and analytical procedures and any modifications to standard procedures;
40 CFR 63, §63.1349(a)(4)	(4) Test results;
40 CFR 63, §63.1349(a)(5)	(5) Quality assurance procedures and results;
40 CFR 63, §63.1349(a)(6)	(6) Records of operating conditions during the test, preparation of standards, and calibration procedures;
40 CFR 63, §63.1349(a)(7)	(7) Raw data sheets for field sampling and field and laboratory analyses;
40 CFR 63, §63.1349(a)(8)	(8) Documentation of calculations;
40 CFR 63, §63.1349(a)(9)	(9) All data recorded and used to establish parameters for compliance monitoring; and
40 CFR 63, §63.1349(a)(10)	(10) Any other information required by the test method.
40 CFR 63, §63.1349(b)(2)	(2) The owner or operator of any affected source subject to limitations on opacity under this subpart that is not subject to paragraph (b)(1) of this section shall demonstrate initial compliance with the affected source opacity limit by conducting a test in accordance with Method 9 of appendix A to part 60 of this chapter. The performance test shall be conducted under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with §63.7(e). The maximum 6-minute average opacity exhibited during the test period shall be used to determine whether the affected source is in initial compliance with the standard. The duration of the Method 9 performance test shall be 3 hours (30 6-minute averages), except that the duration of the Method 9 performance test may be reduced to 1 hour if the conditions of paragraphs (b)(2)(i) through (ii) of this section apply:
40 CFR 63, §63.1349(b)(2)(i)	(i) There are no individual readings greater than 10 percent opacity;
40 CFR 63, §63.1349(b)(2)(ii)	(ii) There are no more than three readings of 10 percent for the first 1-hour period.

40 CFR 63, §63.1350(a)(4)(i)	(i) The owner or operator must conduct a monthly 1-minute visible emissions test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation.
40 CFR 63, §63.1350(a)(4)(ii)	(ii) If no visible emissions are observed in six consecutive monthly tests for any affected source, the owner or operator may decrease the frequency of testing from monthly to semi-annually for that affected source. If visible emissions are observed during any semi-annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.
40 CFR 63, §63.1350(a)(4)(iii)	(iii) If no visible emissions are observed during the semi-annual test for any affected source, the owner or operator may decrease the frequency of testing from semi-annually to annually for that affected source. If visible emissions are observed during any annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.
40 CFR 63, §63.1350(a)(4)(iv)	(iv) If visible emissions are observed during any Method 22 test, the owner or operator must conduct a 6-minute test of opacity in accordance with Method 9 of appendix A to part 60 of this chapter. The Method 9 test must begin within one hour of any observation of visible emissions.
40 CFR 63, §63.1350(a)(4)(v)	(v) The requirement to conduct Method 22 visible emissions monitoring under this paragraph shall not apply to any totally enclosed conveying system transfer point, regardless of the location of the transfer point. "Totally enclosed conveying system transfer point" shall mean a conveying system transfer point that is enclosed on all sides, top, and bottom. The enclosures for these transfer points shall be operated and maintained as total enclosures on a continuing basis in accordance with the facility operations and maintenance plan.
40 CFR 63, §63.1350(a)(4)(vi)	(vi) If any partially enclosed or unenclosed conveying system transfer point is located in a building, the owner or operator of the portland cement plant shall have the option to conduct a Method 22 visible emissions monitoring test according to the requirements of paragraphs (a)(4)(i) through (iv) of this section for each such conveying system transfer point located within the building, or for the building itself, according to paragraph (a)(4)(vii) of this section.
40 CFR 63, §63.1350(a)(4)(vii)	(vii) If visible emissions from a building are monitored, the requirements of paragraphs (a)(4)(i) through (iv) of this section apply to the monitoring of the building, and you must also test visible emissions from each side, roof and vent of the building for at least 1 minute. The test must be conducted under normal operating conditions.
40 CFR 63, §63.1350(b)	(b) Failure to comply with any provision of the operations and maintenance plan developed in accordance with paragraph (a) of this section shall be a violation of the standard.

40 CFR 63, §63.1350(j)	(j) The owner or operator of an affected source subject to a limitation on opacity under §63.1346 or §63.1348 shall monitor opacity in accordance with the operation and maintenance plan developed in accordance with paragraph (a) of this section.
40 CFR 63, §63.1351(b)	(b) The compliance date for an owner or operator of an affected source subject to the provisions of this subpart that commences new construction or reconstruction after March 24, 1998 is June 14, 1999 or upon startup of operations, whichever is later.
40 CFR 63, §63.1353(a)	(a) The notification provisions of 40 CFR part 63, subpart A that apply and those that do not apply to owners and operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a notice that contains all of the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.
40 CFR 63, §63.1353(b)	(b) Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in §63.9 as follows:
40 CFR 63, §63.1353(b)(1)	(1) Initial notifications as required by §63.9(b) through (d). For the purposes of this subpart, a Title V or 40 CFR part 70 permit application may be used in lieu of the initial notification required under §63.9(b), provided the same information is contained in the permit application as required by §63.9(b), and the State to which the permit application has been submitted has an approved operating permit program under part 70 of this chapter and has received delegation of authority from the EPA. Permit applications shall be submitted by the same due dates as those specified for the initial notification.
40 CFR 63, §63.1353(b)(2)	(2) Notification of performance tests, as required by §§63.7 and 63.9(e).
40 CFR 63, §63.1353(b)(3)	(3) Notification of opacity and visible emission observations required by §63.1349 in accordance with §§63.6(h)(5) and 63.9(f).
40 CFR 63, §63.1353(b)(4)	(4) Notification, as required by §63.9(g), of the date that the continuous emission monitor performance evaluation required by §63.8(e) is scheduled to begin.
40 CFR 63, §63.1353(b)(5)	(5) Notification of compliance status, as required by §63.9(h).
40 CFR 63, §63.1354(a)	(a) The reporting provisions of subpart A of this part that apply and those that do not apply to owners or operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a report that contains all of the information required in a report listed in this section, the owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.
40 CFR 63, §63.1354(b)	(b) The owner or operator of an affected source shall comply with the reporting requirements specified in §63.10 of the general provisions of this part 63, subpart A as follows:

40 CFR 63, §63.1354(b)(1)	(1) As required by §63.10(d)(2), the owner or operator shall report the results of performance tests as part of the notification of compliance status.
40 CFR 63, §63.1354(b)(2)	(2) As required by §63.10(d)(3), the owner or operator of an affected source shall report the opacity results from tests required by §63.1349.
40 CFR 63, §63.1354(b)(3)	(3) As required by §63.10(d)(4), 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 by the dates specified in the written extension of compliance.
40 CFR 63, §63.1354(b)(4)	(4) As required by §63.10(d)(5), 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 specified in §63.6(e)(3), the owner or operator shall state such information in a semiannual report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report may be submitted simultaneously with the excess emissions and continuous monitoring system performance reports; and
40 CFR 63, §63.1354(b)(5)	(5) 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 in the startup, shutdown, and malfunction plan, the owner or operator shall make an immediate report of the actions taken for that event within 2 working days, by telephone call or facsimile (FAX) transmission. The immediate report shall be followed by a letter, certified by the owner or operator or other responsible official, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred.
40 CFR 63, §63.1354(b)(6)	(6) As required by §63.10(e)(2), the owner or operator shall submit a written report of the results of the performance evaluation for the continuous monitoring system required by §63.8(e). The owner or operator shall submit the report simultaneously with the results of the performance test.
40 CFR 63, §63.1354(b)(7)	(7) As required by §63.10(e)(2), the owner or operator of an affected source using a continuous opacity monitoring system to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall report the results of the continuous opacity monitoring system performance evaluation conducted under §63.8(e).
40 CFR 63, §63.1354(b)(8)	(8) As required by §63.10(e)(3), the owner or operator of an affected source equipped with a continuous emission monitor shall submit an excess emissions and continuous monitoring system performance report for any event when the continuous monitoring system data indicate the source is not in compliance with the applicable emission limitation or operating parameter limit.

40 CFR 63, §63.1354(b)(9)	(9) The owner or operator shall submit a summary report semiannually which contains the information specified in §63.10(e)(3)(vi). In addition, the summary report shall include:
40 CFR 63, §63.1354(b)(9)(v)	(v) All failures to comply with any provision of the operation and maintenance plan developed in accordance with §63.1350(a).
40 CFR 63, §63.1354(b)(10)	(10) If the total continuous monitoring system downtime for any CEM or any continuous monitoring system (CMS) for the reporting period is ten percent or greater of the total operating time for the reporting period, the owner or operator shall submit an excess emissions and continuous monitoring system performance report along with the summary report.
40 CFR 63, §63.1355(a)	(a) The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by §63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two years of data shall be retained on site. The remaining three years of data may be retained off site. The files may be maintained on microfilm, on a computer, on floppy disks, on magnetic tape, or on microfiche.
40 CFR 63, §63.1355(b)	(b) The owner or operator shall maintain records for each affected source as required by §63.10(b)(2) and (b)(3) of this part; and
40 CFR 63, §63.1355(b)(1)	(1) All documentation supporting initial notifications and notifications of compliance status under §63.9;
40 CFR 63, §63.1355(b)(2)	(2) All records of applicability determination, including supporting analyses; and
40 CFR 63, §63.1355(c)	(c) In addition to the recordkeeping requirements in paragraph (b) of this section, the owner or operator of an affected source equipped with a continuous monitoring system shall maintain all records required by §63.10(c).

Uncontrolled Material Handling Emissions Points

Source Description

Emissions from these transfer points located throughout the facility are not controlled.

Specific Conditions

7. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
311.CH1	Chute, Secondary Crusher Discharge	PM_{10}	0.1	0.1
311.CH10	Chute, Limestone Hopper to 311.AF6	PM_{10}	0.1	0.1
311.CH11	Chute, 311.AF6 to 311.BC1	PM_{10}	0.1	0.1
311.CH15	Chute, Gypsum Hopper to 311.AF5	PM_{10}	0.1	0.1
311.CH16	Chute, 311.AF5 to 311.BC1	PM_{10}	0.1	0.1
311.CHC	Chute, Discharge into Secondary Crusher	PM_{10}	0.1	0.1

8. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
311.CH1	Chute, Secondary Crusher Discharge	PM	0.1	0.1
311.CH10	Chute, Limestone Hopper to 311.AF6	PM	0.1	0.1
311.CH11	Chute, 311.AF6 to 311.BC1	PM	0.1	0.1
311.CH15	Chute, Gypsum Hopper to 311.AF5	PM	0.1	0.1

311.CH16	Chute, 311.AF5 to 311.BC1	PM	0.1	0.1
311.CHC	Chute, Discharge into Secondary Crusher	PM	0.1	0.1

9. The opacity from sources 311.CH1 and 311.CHC shall not exceed 40%. Compliance with the opacity standard shall be demonstrated through compliance with Specific Condition 11. [§19.503 of Regulation 19 and 40 CFR Part 52, Subpart E]

10. The opacity from sources 311.CH10, 311.CH11, 311, CH15 and 311.CH16 shall not exceed 20%. Compliance with the opacity standard shall be demonstrated through compliance with Specific Condition 11. [§19.503 of Regulation 19 and 40 CFR Part 52, Subpart E]

11. Weekly visible emission observations shall be used as a method of compliance verification for the opacity limits assigned for these sources. The weekly observations shall be conducted by someone familiar with the facility's visible emissions.

    a. If during the observations, visible emissions are detected which appear to be in excess of the permitted opacity limit, the permittee shall:

        i. Take immediate action to identify the cause of the visible emissions,
        ii. Implement corrective action, and
        iii. If excessive visible emissions are still detected, an opacity reading shall be conducted in accordance with EPA Reference Method 9 for point sources and in accordance with EPA Method 22 for non-point sources. This reading shall be conducted by a person trained and certified in the reference method. If the opacity reading exceeds the permitted limit, further corrective measures shall be taken.
        iv. If no excessive visible emissions are detected, the incident shall be noted in the records as described below.

    b. The permittee shall maintain records related to all visible emission observations and Method 9 readings. These records shall be updated on an as-performed basis. These records shall be kept on site and made available to Department personnel upon request. These records shall contain:

        i. The time and date of each observation/reading,
        ii. The results of the observations,
        iii. The cause of any observed exceedance of opacity limits, corrective actions taken, and results of the reassessment, and
        iv. The name of the person conducting the observation/reading.

    [Regulation 18, §18.1004 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-211.BF1 & 311.BF1

Dust Collector, Primary Crusher & Secondary Crusher

Source Description

Quarried chalk is crushed at SN-211.BF1 (primary crusher) before being hauled to the raw materials storage area. This source was installed prior to the applicability date of NSPS Subpart OOO. SN-311.BF1 (secondary crusher) is used to crush some of the raw materials used at this facility. Chalk, sand, and iron ore are crushed and then transported to the mill building by a conveyor belt.

Specific Conditions

12. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	tpy
211.BF1	PM_{10}	0.5	1.9
311.BF1	PM_{10}	0.2	0.8

13. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
211.BF1	PM	0.5	1.9
311.BF1	PM	0.2	0.8

14. Visible emissions from these sources shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Specific Condition 15. [§19.501 of Regulation 19 and 40 CFR part 52, Subpart E]

15. Weekly visible emission observations shall be used as a method of compliance verification for the opacity limits assigned for these sources. The weekly observations shall be conducted by someone familiar with the facility's visible emissions.

a. If during the observations, visible emissions are detected which appear to be in excess of the permitted opacity limit, the permittee shall:

i. Take immediate action to identify the cause of the visible emissions,
ii. Implement corrective action, and
iii. If excessive visible emissions are still detected, an opacity reading shall be conducted in accordance with EPA Reference Method 9 for point sources and in accordance with EPA Method 22 for non-point sources. This reading shall be conducted by a person trained and certified in the reference method. If the opacity reading exceeds the permitted limit, further corrective measures shall be taken.
iv. If no excessive visible emissions are detected, the incident shall be noted in the records as described below.

b. The permittee shall maintain records related to all visible emission observations and Method 9 readings. These records shall be updated on an as-performed basis. These records shall be kept on site and made available to Department personnel upon request. These records shall contain:

i. The time and date of each observation/reading,
ii. The results of the observations,
iii. The cause of any observed exceedance of opacity limits, corrective actions taken, and results of the reassessment, and
iv. The name of the person conducting the observation/reading.

[Regulation 18, §18.1004 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-211.CR2, 211.CH8, 211.T10 & 211.ED10
Crusher (Brick), Transfer (211.BC10 to 211.BC1), Transfer (Unloading to 211.HP1) and Crusher Diesel Engine (211.ED10)

Source Description

This source is used to crush used refractory brick from the lining of the kilns. The crushed brick is fed back to the process as a raw material. The crusher is powered by a diesel engine (211.ED10)

Specific Conditions

16. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 18. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	tpy
211.CR2	PM_{10}	0.1	0.1
211.CH8	PM_{10}	0.1	0.1
211.T10	PM_{10}	0.1	0.1
211.ED10	PM_{10}	0.2	0.1
	SO_2	0.2	0.1
	VOC	0.2	0.1
	CO	0.6	0.3
	NO_x	2.5	1.3

17. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 18. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
211.CR2	PM	0.1	0.1
211.CH8	PM	0.1	0.1
211.T10	PM	0.1	0.1
211.ED10	PM	0.2	0.1

18. The permittee shall not crush more than 5,000 tons of brick at SN-211.CR2 per consecutive twelve month period. This source shall not operate in excess of 1000 hours

per consecutive twelve month period. Only Number 2 fuel oil with a sulfur content not greater than 0.5% by weight shall be used as fuel in the crusher engine. Compliance shall be demonstrated through compliance with Specific Condition 19. [Regulation 18, §18.1004, Regulation 19, §19.705, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

19. The permittee shall maintain records of the amount of brick crushed and the hours of operation for SN-211.CR2. The permittee shall maintain records of the sulfur content of the fuel oil used to fire the diesel engine. The records shall be updated as needed. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [Regulation 18, §18.1004, Regulation 19, §19.705 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

20. The opacity from sources 211.CR2, 211.CH8, 211.T10 and 211.ED10 shall not exceed 20%. Compliance with the opacity standard shall be demonstrated through compliance with Specific Condition 21. [§19.503 of Regulation 19 and 40 CFR Part 52, Subpart E]

21. Weekly visible emission observations shall be used as a method of compliance verification for the opacity limits assigned for these sources. The weekly observations shall be conducted by someone familiar with the facility's visible emissions.

    a. If during the observations, visible emissions are detected which appear to be in excess of the permitted opacity limit, the permittee shall:

        i. Take immediate action to identify the cause of the visible emissions,
        ii. Implement corrective action, and
        iii. If excessive visible emissions are still detected, an opacity reading shall be conducted in accordance with EPA Reference Method 9 for point sources and in accordance with EPA Method 22 for non-point sources. This reading shall be conducted by a person trained and certified in the reference method. If the opacity reading exceeds the permitted limit, further corrective measures shall be taken.
        iv. If no excessive visible emissions are detected, the incident shall be noted in the records as described below.

    b. The permittee shall maintain records related to all visible emission observations and Method 9 readings. These records shall be updated on an as-performed basis. These records shall be kept on site and made available to Department personnel upon request. These records shall contain:

        i. The time and date of each observation/reading,
        ii. The results of the observations,
        iii. The cause of any observed exceedance of opacity limits, corrective actions taken, and results of the reassessment, and

iv. The name of the person conducting the observation/reading.

[Regulation 18, §18.1004 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Storage Piles

Source Description

Raw materials and intermediates are stored in piles at various locations throughout the facility.

Specific Conditions

22. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Conditions 24 through 31. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
403.P1	Pile, CKD	PM_{10}	1.4	5.8
449.P1	Pile, Outside Clinker Storage	PM_{10}	0.1	0.2
41A.P1	A-frame Coal/Coke Pile	PM_{10}	0.1	0.1
41A.P2	A-frame Gypsum Pile	PM_{10}	0.1	0.1
41A.P3	A-frame Limestone Pile	PM_{10}	0.1	0.1
41A.P5	Outside Coal/Coke Pile	PM_{10}	0.1	0.3
41A.P6	Outside Gypsum Pile	PM_{10}	0.1	0.1
41A.P7	Outside Limestone Pile	PM_{10}	0.1	0.1

23. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Conditions 24 through 31. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
403.P1	Pile, CKD	PM	1.4	5.8
449.P1	Pile, Outside Clinker Storage	PM	0.1	0.2
41A.P1	A-frame Coal/Coke Pile	PM	0.1	0.1
41A.P2	A-frame Gypsum Pile	PM	0.1	0.1
41A.P3	A-frame Limestone Pile	PM	0.1	0.1

41A.P5	Outside Coal/Coke Pile	PM	0.1	0.3
41A.P6	Outside Gypsum Pile	PM	0.1	0.1
41A.P7	Outside Limestone Pile	PM	0.1	0.1

24. The permittee shall maintain the area of SN-403.P1 at or below 20 acres. Compliance shall be demonstrated by surveying the boundary perimeter of this pile. The permittee shall demarcate and record the perimeter of this pile with a global positioning system (GPS) instrument. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

25. The permittee shall maintain the area of SN-449.P1 at or below 4 acres. The permittee shall demarcate and record the perimeter of this pile with a global positioning system (GPS) instrument. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

26. The permittee shall maintain the area of the A-frame storage pile for Emission Points 41.AP1, 41.AP2 and 41.AP3 at or below 40,143 ft^2, or 0.92 acres. Compliance shall be demonstrated by surveying the boundary perimeter of this pile. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the A-frame structure. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

27. The permittee shall maintain the area of SN-41A.P5 at or below 45,000 ft^2, or 1.03 acres. Compliance shall be demonstrated by surveying the boundary perimeter of this pile. The permittee shall demarcate and record the perimeter of this pile with a global positioning system (GPS) instrument. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

28. The permittee shall maintain the area of SN-41A.P6 at or below 22,500 ft^2, or 0.52 acres. Compliance shall be demonstrated by surveying the boundary perimeter of this pile. The permittee shall demarcate and record the perimeter of this pile with a global positioning system (GPS) instrument. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

29. The outside gypsum pile (SN-41A.P6) will be kept covered with a tarp, except during normal pile loading and unloading operations. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

30. The permittee shall maintain the area of SN-41A.P7 at or below 4,000 ft^2, or 0.09 acres. Compliance shall be demonstrated by surveying the boundary perimeter of this pile. The permittee shall demarcate and record the perimeter of this pile with a global positioning system (GPS) instrument. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

31. The permittee shall maintain the area of SN-221.RMB1 to the square footage of the new raw material building, 214,700 ft^2, or 4.93 acres. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the raw material building. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

32. Visible emissions from these sources shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Specific Condition 33. [Regulation 19, §19.503 and 40 CFR part 52, Subpart E]

33. Weekly visible emission observations shall be used as a method of compliance verification for the opacity limits assigned for these sources. The weekly observations shall be conducted by someone familiar with the facility's visible emissions.

a. If during the observations, visible emissions are detected which appear to be in excess of the permitted opacity limit, the permittee shall:

i. Take immediate action to identify the cause of the visible emissions,
ii. Implement corrective action, and
iii. If excessive visible emissions are still detected, an opacity reading shall be conducted in accordance with EPA Reference Method 9 for point sources and in accordance with EPA Method 22 for non-point sources. This reading shall be conducted by a person trained and certified in the reference method. If the opacity reading exceeds the permitted limit, further corrective measures shall be taken.
iv. If no excessive visible emissions are detected, the incident shall be noted in the records as described below.

b. The permittee shall maintain records related to all visible emission observations and Method 9 readings. These records shall be updated on an as-performed basis. These records shall be kept on site and made available to Department personnel upon request. These records shall contain:

i. The time and date of each observation/reading,
ii. The results of the observations,
iii. The cause of any observed exceedance of opacity limits, corrective actions taken, and results of the reassessment, and
iv. The name of the person conducting the observation/reading.

[Regulation 18, §18.1004 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Dust Collectors subject to 40 CFR 60, Subpart OOO

Source Description

These baghouses located throughout the facility are subject to Subpart OOO.

Specific Conditions

34. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on the maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
41A.BF10	Dust Collector, Coal/Coke/Gypsum Unloading	PM_{10}	0.3	1.0
41A.BF20	Dust Collector, Coal/Coke/Gypsum Storage Discharge	PM_{10}	0.3	1.2
44A.BF10	Dust Collector, Apron Feeder 44A.AF10	PM_{10}	0.3	1.0
213.BF10	Dust Collector, Sand and Iron Unloading	PM_{10}	0.3	1.0
213.BF20	Dust Collector, Sand and Iron Transport	PM_{10}	0.5	1.9
213.BF30	Dust Collector, Iron Spout Discharge	PM_{10}	0.1	0.4
213.BF40	Dust Collector, Sand Spout Discharge	PM_{10}	0.1	0.4
221.BF10	Dust Collector, Stacker Transfer	PM_{10}	0.4	1.8
323.BF10	Dust Collector, Sand and Iron to Bins	PM_{10}	0.3	1.0
325.BF10	Dust Collector, Limestone Bin 325.BN01	PM_{10}	0.4	1.4
325.BF20	Dust Collector, Raw Material Bins 325.BN04	PM_{10}	0.3	1.0
325.BF30	Dust Collector, Raw Material Discharge	PM_{10}	0.5	2.1

35. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on the maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
41A.BF10	Dust Collector, Coal/Coke/Gypsum Unloading	PM	0.3	1.0
41A.BF20	Dust Collector, Coal/Coke/Gypsum Storage Discharge	PM	0.3	1.2
44A.BF10	Dust Collector, Apron Feeder 44A.AF10	PM	0.3	1.0
213.BF10	Dust Collector, Sand and Iron Unloading	PM	0.3	1.0
213.BF20	Dust Collector, Sand and Iron Transport	PM	0.5	1.9
213.BF30	Dust Collector, Iron Spout Discharge	PM	0.1	0.4
213.BF40	Dust Collector, Sand Spout Discharge	PM	0.1	0.4
221.BF10	Dust Collector, Stacker Transfer	PM	0.4	1.8
323.BF10	Dust Collector, Sand and Iron to Bins	PM	0.3	1.0
325.BF10	Dust Collector, Limestone Bin 325.BN01	PM	0.4	1.4
325.BF20	Dust Collector, Raw Material Bins 325.BN04	PM	0.3	1.0
325.BF30	Dust Collector, Raw Material Discharge	PM	0.5	2.1

36. These sources are considered affected sources under 40 CFR Part 60, Subpart OOO, and are subject to the standards for dust collectors listed in the following table. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart OOO]

40 CFR 60, Subpart OOO	
40 CFR 60, §60.670(a)(1)	(a)(1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.
40 CFR 60, §60.670(f)	(f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that apply and those that do not apply to owners and operators of affected facilities subject to this subpart.
40 CFR 60, §60.672(a)	(a) On and after the date on which the performance test required to be conducted by §60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:
40 CFR 60, §60.672(a)(1)	(1) Contain particulate matter in excess of 0.05 g/dscm (0.022 gr/dscf); and
40 CFR 60, §60.672(a)(2)	(2) Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. Facilities using a wet scrubber must comply with the reporting provisions of §60.676 (c), (d), and (e).
40 CFR 60, §60.672(b)	(b) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.
40 CFR 60, §60.672(c)	(c) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.
40 CFR 60, §60.672(d)	(d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.
40 CFR 60, §60.672(e)	(e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a), (b) and (c) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:
40 CFR 60, §60.672(e)(1)	(1) No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent as defined in §60.671.

40 CFR 60, §60.672(e)(2)	(2) No owner or operator shall cause to be discharged into the atmosphere from any vent of any building enclosing any transfer point on a conveyor belt or any other affected facility emissions which exceed the stack emissions limits in paragraph (a) of this section.
40 CFR 60, §60.672(f)	(f) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than 7 percent opacity.
40 CFR 60, §60.672(g)	(g) Owners or operators of multiple storage bins with combined stack emissions shall comply with the emission limits in paragraph (a)(1) and (a)(2) of this section.
40 CFR 60, §60.672(h)	(h) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:
40 CFR 60, §60.672(h)(1)	(1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.
40 CFR 60, §60.672(h)(2)	(2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.
40 CFR 60, §60.675(a)	(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). Acceptable alternative methods and procedures are given in paragraph (e) of this section.
40 CFR 60, §60.675(b)	(b) The owner or operator shall determine compliance with the particulate matter standards in §60.672(a) as follows:
40 CFR 60, §60.675(b)(1)	(1) Method 5 or Method 17 shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5, if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter.
40 CFR 60, §60.675(b)(2)	(2) Method 9 and the procedures in §60.11 shall be used to determine opacity.
40 CFR 60, §60.675(c)(1)	(c)(1) In determining compliance with the particulate matter standards in §60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in §60.11, with the following additions:
40 CFR 60, §60.675(c)(1)(i)	(i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

40 CFR 60, §60.675(c)(1)(ii)	(ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
40 CFR 60, §60.675(c)(2)	(2) In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under §60.672(f) of this subpart, using Method 9, the duration of the Method 9 observations shall be 1 hour (ten 6-minute averages).
40 CFR 60, §60.675(c)(3)	(3) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
40 CFR 60, §60.675(c)(3)(i)	(i) There are no individual readings greater than 10 percent opacity; and
40 CFR 60, §60.675(c)(3)(ii)	(ii) There are no more than 3 readings of 10 percent for the 1-hour period.
40 CFR 60, §60.675(c)(4)	(4) When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under §60.672(c) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
40 CFR 60, §60.675(c)(4)(i)	(i) There are no individual readings greater than 15 percent opacity; and
40 CFR 60, §60.675(c)(4)(ii)	(ii) There are no more than 3 readings of 15 percent for the 1-hour period.
40 CFR 60, §60.675(d)	(d) In determining compliance with §60.672(e), the owner or operator shall use Method 22 to determine fugitive emissions. The performance test shall be conducted while all affected facilities inside the building are operating. The performance test for each building shall be at least 75 minutes in duration, with each side of the building and the roof being observed for at least 15 minutes.
40 CFR 60, §60.675(e)	(e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
40 CFR 60, §60.675(e)(1)	(1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
40 CFR 60, §60.675(e)(1)(i)	(i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.
40 CFR 60, §60.675(e)(1)(ii)	(ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.
40 CFR 60, §60.675(f)	(f) To comply with §60.676(d), the owner or operator shall record the measurements as required in §60.676(c) using the monitoring devices in §60.674 (a) and (b) during each particulate matter run and shall determine the averages.

40 CFR 60, §60.675(g)	(g) If, after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting any rescheduled performance test required in this section, the owner or operator of an affected facility shall submit a notice to the Administrator at least 7 days prior to any rescheduled performance test.
40 CFR 60, §60.675(h)	(h) Initial Method 9 performance tests under §60.11 of this part and §60.675 of this subpart are not required for:
40 CFR 60, §60.675(h)(1)	(1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to, but not including the next crusher, grinding mill or storage bin.
40 CFR 60, §60.675(h)(2)	(2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, that process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.
40 CFR 60, §60.676(f)	(f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 to demonstrate compliance with §60.672(b), (c), and (f), and reports of observations using Method 22 to demonstrate compliance with §60.672(e).
40 CFR 60, §60.676(g)	(g) The owner or operator of any screening operation, bucket elevator, or belt conveyor that processes saturated material and is subject to §60.672(h) and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the 10 percent opacity limit in §60.672(b) and the emission test requirements of §60.11 and this subpart. Likewise a screening operation, bucket elevator, or belt conveyor that processes unsaturated material but subsequently processes saturated material shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the no visible emission limit in §60.672(h).
40 CFR 60, §60.676(h)	(h) The subpart A requirement under §60.7(a)(2) for notification of the anticipated date of initial startup of an affected facility shall be waived for owners or operators of affected facilities regulated under this subpart.
40 CFR 60, §60.676(i)	(i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.
40 CFR 60, §60.676(i)(1)	(1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

Material Transfer Points Subject to 40 CFR Part 60, Subpart OOO

Source Description

Uncontrolled emissions from these transfer points located throughout the facility are subject to Subpart OOO.

Specific Conditions

37. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on the maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
41A.T1	Transfer, 41A.BC20 to Gypsum Pile in Chalk Shed	PM_{10}	0.4	0.1
111.T10	Transfer, Truck Unloading into 111.HP1	PM_{10}	1.9	0.8
111.T12	Transfer, Truck Unloading into 111.HP2	PM_{10}	1.9	0.8
213.T1	Transfer, Truck Unloading to 213.HP010	PM_{10}	0.5	0.2
221.CH01	Chute, 221.BC10 to 221.ST10	PM_{10}	1.9	1.6
221.RMB1	Raw Material Building for Sand, Iron and Limestone	PM_{10}	0.1	0.2
221.T1	Transfer, Stacker Conveyor to Limestone Pile	PM_{10}	1.9	1.6
321.CH01	Chute, 321.RE10 to 321.BC10	PM_{10}	1.9	1.6
323.T1	Chute, Iron/Sand Reclaim to 323.AF10	PM_{10}	0.3	1.1

38. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on the maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
41A.T1	Transfer, 41A.BC20 to Gypsum Pile in Chalk Shed	PM	0.4	0.1

111.T10	Transfer, Truck Unloading into 111.HP1	PM	1.9	0.8
111.T12	Transfer, Truck Unloading into 111.HP2	PM	1.9	0.8
213.T1	Transfer, Truck Unloading to 213.HP010	PM	0.5	0.2
221.CH01	Chute, 221.BC10 to 221.ST10	PM	1.9	1.6
221.RMB1	Raw Material Building for Sand, Iron and Limestone	PM	0.1	0.2
221.T1	Transfer, Stacker Conveyor to Limestone Pile	PM	1.9	1.6
321.CH01	Chute, 321.RE10 to 321.BC10	PM	1.9	1.6
323.T1	Chute, Iron/Sand Reclaim to 323.AF10	PM	0.3	1.1

39. These sources are considered affected sources under 40 CFR Part 60, Subpart OOO, and are subject to the standards for transfer points listed in the following table. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart OOO]

40 CFR 60, Subpart OOO	
40 CFR 60, §60.670(a)(1)	(a)(1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.
40 CFR 60, §60.670(f)	(f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that apply and those that do not apply to owners and operators of affected facilities subject to this subpart.
40 CFR 60, §60.672(b)	(b) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.

40 CFR 60, §60.672(c)	(c) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.
40 CFR 60, §60.672(d)	(d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.
40 CFR 60, §60.672(e)	(e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a), (b) and (c) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:
40 CFR 60, §60.672(e)(1)	(1) No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent as defined in §60.671.
40 CFR 60, §60.672(e)(2)	(2) No owner or operator shall cause to be discharged into the atmosphere from any vent of any building enclosing any transfer point on a conveyor belt or any other affected facility emissions which exceed the stack emissions limits in paragraph (a) of this section.
40 CFR 60, §60.672(f)	(f) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than 7 percent opacity.
40 CFR 60, §60.672(g)	(g) Owners or operators of multiple storage bins with combined stack emissions shall comply with the emission limits in paragraph (a)(1) and (a)(2) of this section.
40 CFR 60, §60.672(h)	(h) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:
40 CFR 60, §60.672(h)(1)	(1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.
40 CFR 60, §60.672(h)(2)	(2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.
40 CFR 60, §60.675(a)	(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). Acceptable alternative methods and procedures are given in paragraph (e) of this section.

40 CFR 60, §60.675(b)(2)	(2) Method 9 and the procedures in §60.11 shall be used to determine opacity.
40 CFR 60, §60.675(c)(1)	(c)(1) In determining compliance with the particulate matter standards in §60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in §60.11, with the following additions:
40 CFR 60, §60.675(c)(1)(i)	(i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
40 CFR 60, §60.675(c)(1)(ii)	(ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
40 CFR 60, §60.675(c)(3)	(3) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
40 CFR 60, §60.675(c)(3)(i)	(i) There are no individual readings greater than 10 percent opacity; and
40 CFR 60, §60.675(c)(3)(ii)	(ii) There are no more than 3 readings of 10 percent for the 1-hour period.
40 CFR 60, §60.675(c)(4)	(4) When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under §60.672(c) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
40 CFR 60, §60.675(c)(4)(i)	(i) There are no individual readings greater than 15 percent opacity; and
40 CFR 60, §60.675(c)(4)(ii)	(ii) There are no more than 3 readings of 15 percent for the 1-hour period.
40 CFR 60, §60.675(d)	(d) In determining compliance with §60.672(e), the owner or operator shall use Method 22 to determine fugitive emissions. The performance test shall be conducted while all affected facilities inside the building are operating. The performance test for each building shall be at least 75 minutes in duration, with each side of the building and the roof being observed for at least 15 minutes.
40 CFR 60, §60.675(e)	(e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
40 CFR 60, §60.675(e)(1)	(1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
40 CFR 60, §60.675(e)(1)(i)	(i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.
40 CFR 60, §60.675(e)(1)(ii)	(ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.

40 CFR 60, §60.675(g)	(g) If, after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting any rescheduled performance test required in this section, the owner or operator of an affected facility shall submit a notice to the Administrator at least 7 days prior to any rescheduled performance test.
40 CFR 60, §60.675(h)	(h) Initial Method 9 performance tests under §60.11 of this part and §60.675 of this subpart are not required for:
40 CFR 60, §60.676(e)	(e) The reports required under paragraph (d) shall be postmarked within 30 days following end of the second and fourth calendar quarters.
40 CFR 60, §60.676(f)	(f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 to demonstrate compliance with §60.672(b), (c), and (f), and reports of observations using Method 22 to demonstrate compliance with §60.672(e).
40 CFR 60, §60.676(g)	(g) The owner or operator of any screening operation, bucket elevator, or belt conveyor that processes saturated material and is subject to §60.672(h) and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the 10 percent opacity limit in §60.672(b) and the emission test requirements of §60.11 and this subpart. Likewise a screening operation, bucket elevator, or belt conveyor that processes unsaturated material but subsequently processes saturated material shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the no visible emission limit in §60.672(h).
40 CFR 60, §60.676(h)	(h) The subpart A requirement under §60.7(a)(2) for notification of the anticipated date of initial startup of an affected facility shall be waived for owners or operators of affected facilities regulated under this subpart.
40 CFR 60, §60.676(i)	(i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.
40 CFR 60, §60.676(i)(1)	(1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
40 CFR 60, §60.676(i)(2)	(2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

Sources Subject to 40 CFR Part 60, Subpart Y

Source Description

These are various coal processing sources throughout the facility.

Specific Conditions

40. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on the maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
41A.BF10*	Dust Collector, Coal/Coke/Gypsum Unloading	PM_{10}	0.3	1.0
41A.BF20*	Dust Collector, Coal/Coke/Gypsum Storage Discharge	PM_{10}	0.3	1.2
41A.T2	Transfer, 41A.BC20 to Coal/Coke Pile in Chalk Shed	PM_{10}	0.4	0.1
41A.T10[1]	Transfer, Rail and Truck Unloading into 41A.HP10	PM_{10}	0.4	0.1
44A.T10[1]	Transfer, Loader Unloading into 44A.HP10	PM_{10}	0.2	0.1
44A.BF10*	Dust Collector, Apron Feeder 44A.AF10	PM_{10}	0.3	1.0
44B.BF10	Dust Collector, Coal Coke Bin Vent	PM_{10}	0.1	0.5

*also subject to Subpart OOO as found in Specific Condition 39
1. also subject to Subpart LLL as found in Specific Condition 3

41. The permittee shall not exceed the emission rates set forth in the following table. Emission rates are based on the maximum capacity of the equipment and continuous operation. Compliance shall be demonstrated through compliance with Plantwide Condition 5. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
41A.BF10*	Dust Collector,	PM	0.3	1.0

	Coal/Coke/Gypsum Unloading			
41A.BF20*	Dust Collector, Coal/Coke/Gypsum Storage Discharge	PM	0.3	1.2
41A.T2	Transfer, 41A.BC20 to Coal/Coke Pile in Chalk Shed	PM	0.4	0.1
41A.T10[1]	Transfer, Rail and Truck Unloading into 41A.HP10	PM	0.4	0.1
44A.T10[1]	Transfer, Loader Unloading into 44A.HP10	PM	0.2	0.1
44A.BF10*	Dust Collector, Apron Feeder 44A.AF10	PM	0.3	1.0
44B.BF10	Dust Collector, Coal Coke Bin Vent	PM	0.1	0.5

* also subject to Subpart OOO as found in Specific Condition 39
1. also subject to Subpart LLL as found in Specific Condition 3

42. These sources are considered affected sources under 40 CFR Part 60, Subpart Y and are subject, but not limited to, the conditions found in the following table. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart Y]

40 CFR 60, Subpart Y	
40 CFR 60, §60.250(a)	(a) The provisions of this subpart are applicable to any of the following affected facilities in coal preparation plants which process more than 181 Mg (200 tons) per day: Thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems.
40 CFR 60, §60.252(b)	(b) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any pneumatic coal cleaning equipment, gases which:
40 CFR 60, §60.252(b)(1)	(1) Contain particulate matter in excess of 0.040 g/dscm (0.017 gr/dscf).
40 CFR 60, §60.252(b)(2)	(2) Exhibit 10 percent opacity or greater.

40 CFR 60, §60.252(c)	(c) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.
40 CFR 60, §60.254(a)	(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b).
40 CFR 60, §60.254(b)	(b) The owner or operator shall determine compliance with the particular matter standards in §60.252 as follows:
40 CFR 60, §60.254(b)(1)	(1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). Sampling shall begin no less than 30 minutes after startup and shall terminate before shutdown procedures begin.
40 CFR 60, §60.254(b)(2)	(2) Method 9 and the procedures in §60.11 shall be used to determine opacity.

LWDF Sources

Source Description

Liquid waste derived fuels are received in rail tank cars and in tank trucks and stored in above ground storage tanks before being transferred to the kilns. To control VOC emissions, tanks are vented to a thermal oxidizer with a back up carbon adsorption system.

Specific Conditions

43. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 46. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
41F.BF10[2,3]	Dust Collector, Blending Silo 441.SI10 Vent	Vent to 41F.TX10		
41F.FT10[1,2,3]	Fuel Tanks			
41F.FT11[1,2,3]				
41F.TK10[2,3]	Thermal Oxidizer, BWDF Kiln Fuels			
41F.TX10[2,3]		PM_{10} SO_2 VOC CO NO_x	0.1 0.1 0.4 2.3 0.5	0.2 0.1 1.7 9.8 1.8
40F.FT3[1,2,3]	LWDF Tanks	Vent to 40F.TX1		
40F.FT4[1,2,3]				
40F.FT5[1,2,3]				
40F.FT6[1,2,3]				
40F.FT7[1,2,3]				
40F.FT8[1,2,3]				
40F.FT9[1,2,3]				
40F.FTA[1,2,3]				
40F.TX1[2,3]	Thermal Oxidizer, LWDF Tanks	PM_{10} VOC CO	0.1 1.0 0.6	0.1 4.4 2.5

		NO_x	0.1	0.5
RCC[3]	Rail Car Cleaning	VOC	0.7	1.0

1. Subject to 40 CFR 60, Subpart Kb as found in Specific Condition 49
2. Subject to 40 CFR 60, Subpart, FF as found in Specific Condition 50
3. Subject to 40 CFR 60, Subpart DD as found in Specific Condition 51

44. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 46. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
40F.FT3[1,2,3]	LWDF Tanks	Vent to 40F.TX1		
40F.FT4[1,2,3]				
40F.FT5[1,2,3]				
40F.FT6[1,2,3]				
40F.FT7[1,2,3]				
40F.FT8[1.2.3]				
40F.FT9[1,2,3]				
40F.FTA[1,2,3]				
40F.TX1[2,3]	Thermal Oxidizer, LWDF Tanks	Toluene Xylene	0.03 0.06	0.13 0.23

1. Subject to 40 CFR 60, Subpart Kb as found in Specific Condition 49
2. Subject to 40 CFR 60, Subpart, FF as found in Specific Condition 50
3. Subject to 40 CFR 60, Subpart DD as found in Specific Condition 51

45. Visible emissions from sources 40F.TX1 and 41F.TX10 shall not exceed 10% opacity. Compliance shall be demonstrated by using only natural gas as fuel in the thermal oxidizers. [Regulation 18, §18.501 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

46. The permittee shall determine the destruction efficiency of the thermal oxidizing unit either using an appropriate test method or through the use of engineering calculations. If testing is used, the test shall be performed a minimum of once every five years. The initial test shall be performed no later than 180 days after the initial startup date. This test shall be performed with this unit operating at or above 90% of its design capacity. This unit shall achieve a VOC destruction rate of not less than 95%. If engineering calculations are used, the permittee shall maintain a complete design analysis of the unit

which shall contain documentation necessary to demonstrate the performance of the unit. [Regulation 19, §19.702 and 40 CFR Part 52, Subpart E]

47. The permittee shall maintain the temperature in the combustion chamber of the thermal oxidizer at or above 1500°F. To demonstrate compliance, the permittee shall install, calibrate, and maintain a continuous temperature recorder on the catalytic oxidizer used to control emissions from these sources. These records shall be maintained on site and made available to Department personnel upon request. [Regulation 19, §19.703, 40 CFR Part 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

48. During operation of the dual carbon canister system as a replacement for thermal oxidizer at this source, the permittee shall use good engineering judgment and/or vendor recommendations to determine the frequency to observe the condition of the breakthrough indicators on the carbon canisters in the absorption train. Observation of the breakthrough indicators on the carbon canisters shall occur no less often than the conclusion of each operating shift in which working losses were directed through the carbon canister absorption train. If breakthrough is detected, the system shall be reconfigured and, as necessary, canisters shall be recharged. The permittee shall maintain a log of the observations of the breakthrough indicators and the recharging of the carbon canisters. These records shall be maintained on site and made available to Department personnel upon request. [Regulation 19, §19.703, 40 CFR Part 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

49. These sources are considered affected sources under 40 CFR Part 60, Subpart Kb and are subject, but not limited to, the conditions found in the following table. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart Kb]

40 CFR Part 60, Subpart Kb	
[§19.304 of Regulation 19 and 40 CFR Part 60, §60.112b(a)]	Each storage vessel with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa, but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3, but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa, but less than 76.6 kPa, shall equip each storage vessel with the following:
[§60.112b(a)(3)]	a. These vessels shall be equipped with a closed vent system and control device meeting the following specifications:
[§60.112b(a)(3)]	i. The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections as determined in Part 60, Subpart VV, §60.485(b).
[§60.112b(a)(3)]	ii. The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater.

[§19.304 of Regulation 19 and 40 CFR Part 60, §60.113b(c)]	Each source that is equipped with a closed vent system and control device (the thermal oxidizer at this facility) as required in §60.112b(a)(3) or (b)(2) (other than a flare) is exempt from §60.8 of the General Provisions and shall meet the following requirements:
[§19.304 of Regulation 19 and 40 CFR Part 60, §60.113b(c)]	a. Submit for approval by the Administrator as an attachment to the notification required by §60.7(a)(1) or, if the facility is exempt from §60.7(a)(1), as an attachment to the notification required by §60.7(a)(2), an operating plan containing the information listed below.
[§19.304 of Regulation 19 and 40 CFR Part 60, §60.113b(c)]	i. Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuel types from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816°C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.
[§19.304 of Regulation 19 and 40 CFR Part 60, §60.113b(c)]	ii. A description of the parameter or parameters to be monitored to insure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).
[§19.304 of Regulation 19 and 40 CFR Part 60, §60.113b(c)]	b. Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with paragraph (c)(1) of this section, unless the plan was modified by the Administrator during the review process. In this case, the modification applies.
[§19.304 of Regulation 19 and 40 CFR 60, §60.115b]	The permittee shall maintain records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of §60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least two years. The record required by (c)(1) will be kept for the life of the control equipment.
[§19.304 of Regulation 19 and 40 CFR 60, §60.115b(c)]	After installing control equipment in accordance with §60.112b(a)(3) or (b)(1) (closed vent system and control device other than a flare), the permittee shall keep the following records.

[§19.304 of Regulation 19 and 40 CFR 60, §60.115b(c)]	a. A copy of the operating plan.
[§19.304 of Regulation 19 and 40 CFR 60, §60.115b(c)]	b. A record of the measured values of the parameters monitored in accordance with §60.112b(c)(2).
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(a)]	The permittee shall keep copies of all records required by this section, except for records required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section shall be kept for the life of the source.
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(b)]	The permittee shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage tank with a design capacity less than 75 m^3 is subject to no provision of this subpart other than those required by this paragraph.
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(e)]	For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based on the highest expected calendar month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based on the maximum local monthly average ambient temperature as reported by the National Weather Service.
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(f)]	The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(f)]	a. Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (e) of this section.
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(f)]	b. For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for controls as defined in §60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(f)]	i. ASTM Method D2879-83 (incorporated by reference-see §60.17); or
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(f)]	ii. ASTM Method D323-82 (incorporated by reference-see §60.17); or
[§19.304 of Regulation 19 and 40 CFR 60, §60.116b(f)]	iii. As measured by an appropriate method as approved by the Administrator.

50. These sources are considered affected sources under 40 CFR Part 61, Subpart FF and are subject, but not limited to, the conditions found in the following table. [Regulation 19, §19.304 and 40 CFR Part 61, Subpart FF]

40 CFR Part 61, Subpart FF	
40 CFR 61, §61.340(b)	(b) The provisions of this subpart apply to owners and operators of hazardous waste treatment, storage, and disposal facilities that treat, store, or dispose of hazardous waste generated by any facility listed in paragraph (a) of this section. The waste streams at hazardous waste treatment, storage, and disposal facilities subject to the provisions of this subpart are the benzene-containing hazardous waste from any facility listed in paragraph (a) of this section. A hazardous waste treatment, storage, and disposal facility is a facility that must obtain a hazardous waste management permit under subtitle C of the Solid Waste Disposal Act.
40 CFR 61, §61.342(a)	(a) An owner or operator of a facility at which the total annual benzene quantity from facility waste is less than 10 megagrams per year (Mg/yr) (11 ton/yr) shall be exempt from the requirements of paragraphs (b) and (c) of this section. 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 as follows:
40 CFR 61, §61.342(a)(1)	(1) Wastes that are exempted from control under §§61.342(c)(2) and 61.342(c)(3) are included in the calculation of the total annual benzene quantity if they have an annual average water content greater than 10 percent, or if they are mixed with water or other wastes at any time and the mixture has an annual average water content greater than 10 percent.
40 CFR 61, §61.342(a)(2)	(2) The benzene in a material subject to this subpart that is sold is included in the calculation of the total annual benzene quantity if the material has an annual average water content greater than 10 percent.
40 CFR 61, §61.342(a)(3)	(3) Benzene in wastes generated by remediation activities conducted at the facility, such as the excavation of contaminated soil, pumping and treatment of groundwater, and the recovery of product from soil or groundwater, are not included in the calculation of total annual benzene quantity for that facility. If the facility's total annual benzene quantity is 10 Mg/yr (11 ton/yr) or more, wastes generated by remediation activities are subject to the requirements of paragraphs (c) through (h) of this section. If the facility is managing remediation waste generated offsite, the benzene in this waste shall be included in the calculation of total annual benzene quantity in facility waste, if the waste streams have an annual average water content greater than 10 percent, or if they are mixed with water or other wastes at any time and the mixture has an annual average water content greater than 10 percent.

40 CFR 61, §61.342(a)(4)	(4) The total annual benzene quantity is determined based upon the quantity of benzene in the waste before any waste treatment occurs to remove the benzene except as specified in §61.355(c)(1)(i) (A) through (C).
40 CFR 61, §61.342(b)	(b) Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr) as determined in paragraph (a) of this section shall be in compliance with the requirements of paragraphs (c) through (h) of this section no later than 90 days following the effective date, unless a waiver of compliance has been obtained under §61.11, or by the initial startup for a new source with an initial startup after the effective date.
40 CFR 61, §61.342(c)	(c) Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr) as determined in paragraph (a) of this section shall manage and treat the facility waste as follows:
40 CFR 61, §61.342(c)(1)	(1) For each waste stream that contains benzene, including (but not limited to) organic waste streams that contain less than 10 percent water and aqueous waste streams, even if the wastes are not discharged to an individual drain system, the owner or operator shall:
40 CFR 61, §61.342(c)(1)	(i) Remove or destroy the benzene contained in the waste using a treatment process or wastewater treatment system that complies with the standards specified in §61.348 of this subpart.
40 CFR 61, §61.342(c)(1)	(ii) Comply with the standards specified in §§61.343 through 61.347 of this subpart for each waste management unit that receives or manages the waste stream prior to and during treatment of the waste stream in accordance with paragraph (c)(1)(i) of this section.
40 CFR 61, §61.342(c)(1)	(iii) Each waste management unit used to manage or treat waste streams that will be recycled to a process shall comply with the standards specified in §§61.343 through 61.347. Once the waste stream is recycled to a process, including to a tank used for the storage of production process feed, product, or product intermediates, unless this tank is used primarily for the storage of wastes, the material is no longer subject to paragraph (c) of this section.
40 CFR 61, §61.342(g)	(g) Compliance with this subpart will be determined by review of facility records and results from tests and inspections using methods and procedures specified in §61.355 of this subpart.
40 CFR 61, §61.343(a)	(a) Except as provided in paragraph (b) of this section and in §61.351, the owner or operator must meet the standards in paragraph (a)(1) or (2) of this section for each tank in which the waste stream is placed in accordance with §61.342 (c)(1)(ii). The standards in this section apply to the treatment and storage of the waste stream in a tank, including dewatering.
40 CFR 61, §61.343(a)(1)	(1) The owner or operator shall install, operate, and maintain a fixed-roof and closed-vent system that routes all organic vapors vented from the tank to a control device.

40 CFR 61, §61.343(a)(1)(i)	(i) The fixed-roof shall meet the following requirements:
40 CFR 61, §61.343(a)(1)(i)	(A) The cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in §61.355(h) of this subpart.
40 CFR 61, §61.343(a)(1)(i)	(B) 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 waste is in the tank except when it is necessary to use the opening for waste sampling or removal, or for equipment inspection, maintenance, or repair.
40 CFR 61, §61.343(a)(1)(i)	(C) If the cover and closed-vent system operate such that the tank is maintained at a pressure less than atmospheric pressure, then paragraph (a)(1)(i)(B) of this section does not apply to any opening that meets all of the following conditions:
40 CFR 61, §61.343(a)(1)(i)(C)	(1) The purpose of the opening is to provide dilution air to reduce the explosion hazard;
40 CFR 61, §61.343(a)(1)(i)(C)	(2) The opening is designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in §61.355(h); and
40 CFR 61, §61.343(a)(1)(i)(C)	(3) The pressure is monitored continuously to ensure that the pressure in the tank remains below atmospheric pressure.
40 CFR 61, §61.343(a)(1)(ii)	(ii) The closed-vent system and control device shall be designed and operated in accordance with the requirements of §61.349 of this subpart.
40 CFR 61, §61.343(a)(2)	(2) The owner or operator must install, operate, and maintain an enclosure and closed-vent system that routes all organic vapors vented from the tank, located inside the enclosure, to a control device in accordance with the requirements specified in paragraph (e) of this section.
40 CFR 61, §61.343(c)	(c) Each fixed-roof, seal, access door, and all other openings shall be checked by visual inspection initially and quarterly thereafter to ensure that no cracks or gaps occur and that access doors and other openings are closed and gasketed properly.
40 CFR 61, §61.343(d)	(d) Except as provided in §61.350 of this subpart, when a broken seal or gasket or other problem is identified, or when detectable emissions are measured, first efforts at repair shall be made as soon as practicable, but not later than 45 calendar days after identification.
40 CFR 61, §61.348(a)	(a) Except as provided in paragraph (a)(5) of this section, the owner or operator shall treat the waste stream in accordance with the following requirements:
40 CFR 61, §61.348(a)(1)	(1) The owner or operator shall design, install, operate, and maintain a treatment process that either:
40 CFR 61, §61.348(a)(1)	(iii) Destroys benzene in the waste stream by incinerating the waste in a combustion unit that achieves a destruction efficiency of 99 percent or greater for benzene.

40 CFR 61, §61.348(c)	(c) The owner and operator shall demonstrate that each treatment process or wastewater treatment system unit, except as provided in paragraph (d) of this section, achieves the appropriate conditions specified in paragraphs (a) or (b) of this section in accordance with the following requirements:
40 CFR 61, §61.348(c)(1)	(1) Engineering calculations in accordance with requirements specified in §61.356(e) of this subpart; or
40 CFR 61, §61.348(c)(2)	(2) Performance tests conducted using the test methods and procedures that meet the requirements specified in §61.355 of this subpart.
40 CFR 61, §61.348(e)	(e) Except as specified in paragraph (e)(3) of this section, if the treatment process or wastewater treatment system unit has any openings (e.g., access doors, hatches, etc.), all such openings shall be sealed (e.g., gasketed, latched, etc.) and kept closed at all times when waste is being treated, except during inspection and maintenance.
40 CFR 61, §61.348(e)(1)	(1) Each seal, access door, and all other openings shall be checked by visual inspections initially and quarterly thereafter to ensure that no cracks or gaps occur and that openings are closed and gasketed properly.
40 CFR 61, §61.348(e)(2)	(2) Except as provided in §61.350 of this subpart, when a broken seal or gasket or other problem is identified, first efforts at repair shall be made as soon as practicable, but not later than 15 calendar days after identification.
40 CFR 61, §61.348(e)(3)	(3) If the cover and closed-vent system operate such that the treatment process and wastewater treatment system unit are maintained at a pressure less than atmospheric pressure, the owner or operator may operate the system with an opening that is not sealed and kept closed at all times if the following conditions are met:
40 CFR 61, §61.348(e)(3)(i)	(i) The purpose of the opening is to provide dilution air to reduce the explosion hazard;
40 CFR 61, §61.348(e)(3)(ii)	(ii) The opening is designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in §61.355(h); and
40 CFR 61, §61.348(e)(3)(iii)	(iii) The pressure is monitored continuously to ensure that the pressure in the treatment process and wastewater treatment system unit remain below atmospheric pressure.
40 CFR 61, §61.348(g)	(g) The owner or operator of a treatment process or wastewater treatment system unit that is used to comply with the provisions of this section shall monitor the unit in accordance with the applicable requirements in §61.354 of this subpart.
40 CFR 61, §61.349(a)	(a) For each closed-vent system and control device used to comply with standards in accordance with §§61.343 through 61.348 of this subpart, the owner or operator shall properly design, install, operate, and maintain the closed-vent system and control device in accordance with the following requirements:
40 CFR 61, §61.349(a)(1)	(1) The closed-vent system shall:

40 CFR 61, §61.349(a)(1)	(i) Be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in §61.355(h) of this subpart.
40 CFR 61, §61.349(a)(1)(ii)	(ii) Vent systems that contain any bypass line that could divert the vent stream away from a control device used to comply with the provisions of this subpart shall install, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow away from the control device at least once every 15 minutes, except as provided in paragraph (a)(1)(ii)(B) of this section.
40 CFR 61, §61.349(a)(1)(ii)	(A) 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.
40 CFR 61, §61.349(a)(1)(ii)	(B) Where the bypass line valve is secured in the closed position with a car-seal or a lock-and-key type configuration, a flow indicator is not required.
40 CFR 61, §61.349(a)(1)	(iii) All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
40 CFR 61, §61.349(a)(1)	(iv) For each closed-vent system complying with paragraph (a) of this section, one or more devices which vent directly to the atmosphere may be used on the closed-vent system provided each device remains in a closed, sealed position during normal operations except when the device needs to open to prevent physical damage or permanent deformation of the closed-vent system resulting from malfunction of the unit in accordance with good engineering and safety practices for handling flammable, explosive, or other hazardous materials.
40 CFR 61, §61.349(a)(2)	(2) The control device shall be designed and operated in accordance with the following conditions:
40 CFR 61, §61.349(a)(2)(i)	(i) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) shall meet one of the following conditions:
40 CFR 61, §61.349(a)(2)(i)	(A) Reduce the organic emissions vented to it by 95 weight percent or greater;
40 CFR 61, §61.349(a)(2)(i)	(B) Achieve a total organic compound concentration of 20 ppmv (as the sum of the concentrations for individual compounds using Method 18) on a dry basis corrected to 3 percent oxygen; or
40 CFR 61, §61.349(a)(2)(i)	(C) Provide a minimum residence time of 0.5 seconds at a minimum temperature of 760 °C (1,400 °F). If a boiler or process heater issued as the control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.
40 CFR 61, §61.349(a)(2)	(ii) A vapor recovery system (e.g., a carbon adsorption system or a condenser) shall recover or control the organic emissions vented to it with an efficiency of 95 weight percent or greater, or shall recover or control the benzene emissions vented to it with an efficiency of 98 weight percent or greater.

40 CFR 61, §61.349(b)	(b) Each closed-vent system and control device used to comply with this subpart shall be operated at all times when waste is placed in the waste management unit vented to the control device except when maintenance or repair of the waste management unit cannot be completed without a shutdown of the control device.
40 CFR 61, §61.349(c)	(c) An owner and operator shall demonstrate that each control device, except for a flare, achieves the appropriate conditions specified in paragraph (a)(2) of this section by using one of the following methods:
40 CFR 61, §61.349(c)	(1) Engineering calculations in accordance with requirements specified in §61.356(f) of this subpart; or
40 CFR 61, §61.349(c)	(2) Performance tests conducted using the test methods and procedures that meet the requirements specified in §61.355 of this subpart.
40 CFR 61, §61.349(f)	(f) Each closed-vent system and control device shall be visually inspected initially and quarterly thereafter. The visual inspection shall include inspection of ductwork and piping and connections to covers and control devices for evidence of visible defects such as holes in ductwork or piping and loose connections.
40 CFR 61, §61.349(g)	(g) Except as provided in §61.350 of this subpart, if visible defects are observed during an inspection, or if other problems are identified, or if detectable emissions are measured, a first effort to repair the closed-vent system and control device shall be made as soon as practicable but no later than 5 calendar days after detection. Repair shall be completed no later than 15 calendar days after the emissions are detected or the visible defect is observed.
40 CFR 61, §61.349(h)	(h) 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 §61.354(c) of this subpart.
40 CFR 61, §61.350(a)	(a) Delay of repair of facilities or units that are subject to the provisions of this subpart will be allowed if the repair is technically impossible without a complete or partial facility or unit shutdown.
40 CFR 61, §61.350(b)	(b) Repair of such equipment shall occur before the end of the next facility or unit shutdown.
40 CFR 61, §61.354(a)	(a) Except for a treatment process or waste stream complying with §61.348(d), the owner or operator shall monitor each treatment process or wastewater treatment system unit to ensure the unit is properly operated and maintained by one of the following monitoring procedures:
40 CFR 61, §61.354(a)(1)	(1) Measure the benzene concentration of the waste stream exiting the treatment process complying with §61.348(a)(1)(i) at least once per month by collecting and analyzing one or more samples using the procedures specified in §61.355(c)(3).

40 CFR 61, §61.354(a)(2)	(2) Install, calibrate, operate, and maintain according to manufacturer's specifications equipment to continuously monitor and record a process parameter (or parameters) for the treatment process or wastewater treatment system unit that indicates proper system operation. The owner or operator shall inspect at least once each operating day the data recorded by the monitoring equipment (e.g., temperature monitor or flow indicator) to ensure that the unit is operating properly.
40 CFR 61, §61.354(c)	(c) An owner or operator subject to the requirements in §61.349 of this subpart shall install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor the control device operation as specified in the following paragraphs, unless alternative monitoring procedures or requirements are approved for that facility by the Administrator. The owner or operator shall inspect at least once each operating day the data recorded by the monitoring equipment (e.g., temperature monitor or flow indicator) to ensure that the control device is operating properly.
40 CFR 61, §61.354(c)(1)	(1) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device shall have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5 °C, whichever is greater. The temperature sensor shall be installed at a representative location in the combustion chamber.
40 CFR 61, §61.354(d)	(d) For a carbon adsorption system that does not regenerate the carbon bed directly on site in the control device (e.g., a carbon canister), either the concentration level of the organic compounds or the concentration level of benzene in the exhaust vent stream from the carbon adsorption system shall be monitored on a regular schedule, and the existing carbon shall be replaced with fresh carbon immediately when carbon breakthrough is indicated. The device shall be monitored on a daily basis or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater. 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 either the organic concentration or the benzene concentration in the gas stream vented to the carbon adsorption system.
40 CFR 61, §61.354(f)	(f) Owners or operators using a closed-vent system that contains any bypass line that could divert a vent stream from a control device used to comply with the provisions of this subpart shall do the following:
40 CFR 61, §61.354(f)(1)	(1) Visually inspect the bypass line valve at least once every month, checking the position of the valve and the condition of the car-seal or closure mechanism required under §61.349(a)(1)(ii) to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

40 CFR 61, §61.354(f)(2)	(2) Visually inspect the readings from each flow monitoring device required by §61.349(a)(1)(ii) at least once each operating day to check that vapors are being routed to the control device as required.
40 CFR 61, §61.355(a)	(a) An owner or operator shall determine the total annual benzene quantity from facility waste by the following procedure:
40 CFR 61, §61.355(a)(1)	(1) For each waste stream subject to this subpart 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 §61.342(a), the owner or operator shall:
40 CFR 61, §61.355(a)(1)(i)	(i) Determine the annual waste quantity for each waste stream using the procedures specified in paragraph (b) of this section.
40 CFR 61, §61.355(a)(1)(ii)	(ii) Determine the flow-weighted annual average benzene concentration for each waste stream using the procedures specified in paragraph (c) of this section.
40 CFR 61, §61.355(a)(1)(iii)	(iii) 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.
40 CFR 61, §61.355(a)(2)	(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 paragraph (b)(4) of this section.
40 CFR 61, §61.355(a)(3)	(3) If the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr), then the owner or operator shall comply with the requirements of §61.342 (c), (d), or (e).
40 CFR 61, §61.355(a)(4)	(4) If the total annual benzene quantity from facility waste is less than 10 Mg/yr (11 ton/yr) but is equal to or greater than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall:
40 CFR 61, §61.355(a)(4)(i)	(i) Comply with the recordkeeping requirements of §61.356 and reporting requirements of §61.357 of this subpart; and
40 CFR 61, §61.355(a)(4)(ii)	(ii) 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 (11 ton/yr) or more.
40 CFR 61, §61.355(a)(5)	(5) If the total annual benzene quantity from facility waste is less than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall:
40 CFR 61, §61.355(a)(5)(i)	(i) Comply with the recordkeeping requirements of §61.356 and reporting requirements of §61.357 of this subpart; and
40 CFR 61, §61.355(a)(5)(ii)	(ii) 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 (1.1 ton/yr) or more.

40 CFR 61, §61.355(a)(6)	(6) The benzene quantity in a waste stream that is generated less than one time per year, except as provided for process unit turnaround waste in paragraph (b)(4) of this section, shall be included in the determination of total annual benzene quantity from facility waste for the year in which the waste is generated unless the waste stream is otherwise excluded from the determination of total annual benzene quantity from facility waste in accordance with paragraphs (a) through (c) of this section. The benzene quantity in this waste stream shall not be annualized or averaged over the time interval between the activities that resulted in generation of the waste, for purposes of determining the total annual benzene quantity from facility waste.
40 CFR 61, §61.355(b)	(b) For purposes of the calculation required by paragraph (a) of this section, an owner or operator shall determine the annual waste quantity at the point of waste generation, unless otherwise provided in paragraphs (b)(1), (2), (3), and (4) of this section, by one of the methods given in paragraphs (b) (5) through (7) of this section.
40 CFR 61, §61.355(b)(3)	(3) The determination of annual waste quantity for wastes that are received at hazardous waste treatment, storage, or disposal facilities from offsite shall be made at the point where the waste enters the hazardous waste treatment, storage, or disposal facility.
40 CFR 61, §61.355(b)(5)	(5) 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;
40 CFR 61, §61.355(b)(6)	(6) Use the maximum design capacity of the waste management unit; or
40 CFR 61, §61.355(b)(7)	(7) Use measurements that are representative of maximum waste generation rates.
40 CFR 61, §61.355(c)	(c) For the purposes of the calculation required by §§61.355(a) of this subpart, an owner or operator shall determine the flow-weighted annual average benzene concentration in a manner that meets the requirements given in paragraph (c)(1) of this section using either of the methods given in paragraphs (c)(2) and (c)(3) of this section.
40 CFR 61, §61.355(c)(1)	(1) The determination of flow-weighted annual average benzene concentration shall meet all of the following criteria:
40 CFR 61, §61.355(c)(1)(i)	(i) The determination shall be made at the point of waste generation except for the specific cases given in paragraphs (c)(1)(i)(A) through (D) of this section.
40 CFR 61, §61.355(c)(1)(i)	(C) The determination for wastes that are received from offsite shall be made at the point where the waste enters the hazardous waste treatment, storage, or disposal facility.
40 CFR 61, §61.355(c)(1)(ii)	(ii) Volatilization of the benzene by exposure to air shall not be used in the determination to reduce the benzene concentration.
40 CFR 61, §61.355(c)(1)(iii)	(iii) Mixing or diluting the waste stream with other wastes or other materials shall not be used in the determination-to reduce the benzene

	concentration.
40 CFR 61, §61.355(c)(1)(iv)	(iv) The determination shall be made prior to any treatment of the waste that removes benzene, except as specified in paragraphs (c)(1)(i)(A) through (D) of this section.
40 CFR 61, §61.355(c)(1)(v)	(v) 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.
40 CFR 61, §61.355(c)(2)	(2) Knowledge of the waste. The owner or operator 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 owner or operator 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 an owner or operator 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 paragraph (c)(3) of this section shall be used to resolve the disagreement.
40 CFR 61, §61.355(c)(3)	(3) Measurements of the benzene concentration in the waste stream in accordance with the following procedures:
40 CFR 61, §61.355(c)(3)(i)	(i) 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.
40 CFR 61, §61.355(c)(3)(iii)	(iii) 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.
40 CFR 61, §61.355(c)(3)(iv)	(iv) Each waste sample shall be analyzed using one of the following test methods for determining the benzene concentration in a waste stream:
40 CFR 61, §61.355(c)(3)(iv)	(A) Method 8020, Aromatic Volatile Organics, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846 (incorporation by reference as specified in §61.18 of this part);
40 CFR 61, §61.355(c)(3)(iv)	(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 (incorporation by reference as specified in §61.18 of this part);

40 CFR 61, §61.355(c)(3)(iv)	(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 (incorporation by reference as specified in §61.18 of this part);
40 CFR 61, §61.355(c)(3)(iv)	(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 (incorporation by reference as specified in §61.18 of this part);
40 CFR 61, §61.355(c)(3)(iv)	(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
40 CFR 61, §61.355(c)(3)(iv)	(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.
40 CFR 61, §61.355(c)(3)(v)	(v) The flow-weighted annual average benzene concentration shall be calculated by averaging the results of the sample analyses as follows:
40 CFR 61, §61.355(f)	(f) An owner or operator using performance tests to demonstrate compliance of a treatment process with §61.348(a)(1)(iii) of this subpart shall determine the benzene destruction efficiency for the combustion unit by the following procedure:
40 CFR 61, §61.355(f)(1)	(1) The test shall be conducted under conditions that exist when the combustion unit is operating at the highest inlet waste stream flow rate and benzene content expected to occur. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a test. The owner or operator shall record all process information necessary to document the operating conditions during the test.
40 CFR 61, §61.355(f)(2)	(2) All testing equipment shall be prepared and installed as specified in the appropriate test methods.
40 CFR 61, §61.355(f)(3)	(3) The mass flow rate of benzene entering the combustion unit shall be determined by computing the product of the flow rate of the waste stream entering the combustion unit, as determined by the inlet flow meter, and the benzene concentration of the waste stream, as determined using the sampling procedures in paragraph (c)(2) or (c)(3) of this section. Three grab samples of the waste shall be taken at 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 conducted over a 3-hour period. The mass flow rate of benzene into the combustion unit is calculated as follows:
40 CFR 61, §61.355(f)(4)	(4) The mass flow rate of benzene exiting the combustion unit exhaust stack shall be determined as follows:
40 CFR 61, §61.355(f)(4)(i)	(i) The time period for the test shall not be less than 3 hours during which at least 3 stack gas samples are collected and be the same time period at which the mass flow rate of benzene entering the treatment process is determined. Each sample shall be collected over a 1-hour period (e.g., in a tedlar bag) to represent a time-integrated composite sample and each 1-

	hour period shall correspond to the periods when the waste feed is sampled.
40 CFR 61, §61.355(f)(4)(ii)	(ii) A run shall consist of a 1-hour period during the test. For each run:
40 CFR 61, §61.355(f)(4)(ii)	(A) The reading from each measurement shall be recorded;
40 CFR 61, §61.355(f)(4)(ii)	(B) The volume exhausted shall be determined using Method 2, 2A, 2C, or 2D from appendix A of 40 CFR part 60, as appropriate.
40 CFR 61, §61.355(f)(4)(ii)	(C) The average benzene concentration in the exhaust downstream of the combustion unit shall be determined using Method 18 from appendix A of 40 CFR part 60.
40 CFR 61, §61.355(f)(4)(iii)	(iii) The mass of benzene emitted during each run shall be calculated as follows:
40 CFR 61, §61.355(f)(4)(iv)	(iv) The benzene mass emission rate in the exhaust shall be calculated as follows:
40 CFR 61, §61.355(h)	(h) An owner or operator shall test equipment for compliance with no detectable emissions as required in §§61.343 through 61.347, and §61.349 of this subpart in accordance with the following requirements:
40 CFR 61, §61.355(h)(1)	(1) Monitoring shall comply with Method 21 from appendix A of 40 CFR part 60.
40 CFR 61, §61.355(h)(2)	(2) The detection instrument shall meet the performance criteria of Method 21.
40 CFR 61, §61.355(h)(3)	(3) The instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21.
40 CFR 61, §61.355(h)(4)	(4) Calibration gases shall be:
40 CFR 61, §61.355(h)(4)(i)	(i) Zero air (less than 10 ppm of hydrocarbon in air); and
40 CFR 61, §61.355(h)(4)(ii)	(ii) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
40 CFR 61, §61.355(h)(5)	(5) The background level shall be determined as set forth in Method 21.
40 CFR 61, §61.355(h)(6)	(6) The instrument probe shall be traversed around all potential leak interfaces as close as possible to the interface as described in Method 21.
40 CFR 61, §61.355(h)(7)	(7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared to 500 ppm for determining compliance.
40 CFR 61, §61.355(i)	(i) An owner or operator using a performance test to demonstrate compliance of a control device with either the organic reduction efficiency requirement or the benzene reduction efficiency requirement specified under §61.349(a)(2) shall use the following procedures:

40 CFR 61, §61.355(i)(1)	(1) The test shall be conducted under conditions that exist when the waste management unit vented to the control device is operating at the highest load or capacity level expected to occur. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a test. The owner or operator shall record all process information necessary to document the operating conditions during the test.
40 CFR 61, §61.355(i)(2)	(2) Sampling sites shall be selected using Method 1 or 1A from appendix A of 40 CFR part 60, as appropriate.
40 CFR 61, §61.355(i)(3)	(3) The mass flow rate of either the organics or benzene entering and exiting the control device shall be determined as follows:
40 CFR 61, §61.355(i)(3)(i)	(i) The time period for the test shall not be less than 3 hours during which at least 3 stack gas samples are collected. Samples of the vent stream entering and exiting the control device shall be collected during the same time period. Each sample shall be collected over a 1-hour period (e.g., in a tedlar bag) to represent a time-integrated composite sample.
40 CFR 61, §61.355(i)(3)(ii)	(ii) A run shall consist of a 1-hour period during the test. For each run:
40 CFR 61, §61.355(i)(3)(ii)	(A) The reading from each measurement shall be recorded;
40 CFR 61, §61.355(i)(3)(ii)	(B) The volume exhausted shall be determined using Method 2, 2A, 2C, or 2D from appendix A of 40 CFR part 60, as appropriate;
40 CFR 61, §61.355(i)(3)(ii)	(C) The organic concentration or the benzene concentration, as appropriate, in the vent stream entering and exiting the control shall be determined using Method 18 from appendix A of 40 CFR part 60.
40 CFR 61, §61.355(i)(3)(iii)	(iii) The mass of organics or benzene entering and exiting the control device during each run shall be calculated as follows:
40 CFR 61, §61.355(i)(3)(iv)	(iv) The mass flow rate of organics or benzene entering and exiting the control device shall be calculated as follows:
40 CFR 61, §61.355(i)(4)	(4) The organic reduction efficiency or the benzene reduction efficiency for the control device shall be calculated as follows:
40 CFR 61, §61.356(a)	(a) Each owner or operator of a facility subject to the provisions of this subpart shall comply with the recordkeeping requirements of this section. 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.
40 CFR 61, §61.356(b)	(b) Each owner or operator shall maintain records that identify each waste stream at the facility subject to this subpart, and indicate whether or not the waste stream is controlled for benzene emissions in accordance with this subpart. In addition the owner or operator shall maintain the following records:

40 CFR 61, §61.356(b)(1)	(1) For each waste stream not controlled for benzene emissions in accordance with this subpart, 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.
40 CFR 61, §61.356(b)(5)	(5) For each facility where the annual waste quantity for process unit turnaround waste is determined in accordance with §61.355(b)(5), the records shall include all test results, measurements, calculations, and other documentation used to determine the following information: identification of each process unit at the facility that undergoes turnarounds, the date of the most recent turnaround for each process unit, identification of each process unit turnaround waste, the water content of each process unit turnaround waste, the annual waste quantity determined in accordance with §61.355(b)(5), the range of benzene concentrations in the waste, the annual average flow-weighted benzene concentration of the waste, and the annual benzene quantity calculated in accordance with §61.355(a)(1)(iii) of this section.
40 CFR 61, §61.356(c)	(c) An owner or operator transferring waste off-site to another facility for treatment in accordance with §61.342(f) shall maintain documentation for each offsite waste shipment that includes the following information: Date waste is shipped offsite, quantity of waste shipped offsite, name and address of the facility receiving the waste, and a copy of the notice sent with the waste shipment.
40 CFR 61, §61.356(d)	(d) An owner or operator using control equipment in accordance with §§61.343 through 61.347 shall maintain engineering design documentation for all control equipment that is installed on the waste management unit. The documentation shall be retained for the life of the control equipment. If a control device is used, then the owner or operator shall maintain the control device records required by paragraph (f) of this section.
40 CFR 61, §61.356(e)	(e) An owner or operator using a treatment process or wastewater treatment system unit in accordance with §61.348 of this subpart shall maintain the following records. The documentation shall be retained for the life of the unit.
40 CFR 61, §61.356(e)(1)	(1) A statement signed and dated by the owner or operator certifying that the unit is designed to operate at the documented performance level when the waste stream entering the unit is at the highest waste stream flow rate and benzene content expected to occur.
40 CFR 61, §61.356(e)(2)	(2) If engineering calculations are used to determine treatment process or wastewater treatment system unit performance, then the owner or operator shall maintain the complete design analysis for the unit. The design analysis shall include for example the following information: Design specifications, drawings, schematics, piping and instrumentation diagrams,

	and other documentation necessary to demonstrate the unit performance.
40 CFR 61, §61.356(e)(3)	(3) If performance tests are used to determine treatment process or wastewater treatment system unit performance, then the owner or operator shall maintain all test information necessary to demonstrate the unit performance.
40 CFR 61, §61.356(e)(3)(i)	(i) A description of the unit including the following information: type of treatment process; manufacturer name and model number; and for each waste stream entering and exiting the unit, the waste stream type (e.g., process wastewater, sludge, slurry, etc.), and the design flow rate and benzene content.
40 CFR 61, §61.356(e)(3)(ii)	(ii) Documentation describing the test protocol and the means by which sampling variability and analytical variability were accounted for in the determination of the unit performance. The description of the test protocol shall include the following information: sampling locations, sampling method, sampling frequency, and analytical procedures used for sample analysis.
40 CFR 61, §61.356(e)(3)(iii)	(iii) Records of unit operating conditions during each test run including all key process parameters.
40 CFR 61, §61.356(e)(3)(iv)	(iv) All test results.
40 CFR 61, §61.356(e)(4)	(4) If a control device is used, then the owner or operator shall maintain the control device records required by paragraph (f) of this section.
40 CFR 61, §61.356(f)	(f) An owner or operator using a closed-vent system and control device in accordance with §61.349 of this subpart shall maintain the following records. The documentation shall be retained for the life of the control device.
40 CFR 61, §61.356(f)(1)	(1) A statement signed and dated by the owner or operator certifying that the closed-vent system and control device is designed to operate at the documented performance level when the waste management unit vented to the control device is or would be operating at the highest load or capacity expected to occur.
40 CFR 61, §61.356(f)(2)	(2) If engineering calculations are used to determine control device performance in accordance with §61.349(c), then a design analysis for the control device that includes for example:
40 CFR 61, §61.356(f)(2)(i)	(i) Specifications, drawings, schematics, and piping and instrumentation diagrams prepared by the owner or operator, or the control device manufacturer or vendor that describe the control device design based on acceptable engineering texts. The design analysis shall address the following vent stream characteristics and control device operating parameters:

40 CFR 61, §61.356(f)(2)(i)	(A) For a thermal vapor incinerator, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
40 CFR 61, §61.356(f)(2)(i)	(G) 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 analysis shall consider the vent stream composition, constituent concentration, flow rate, relative humidity, and temperature. The design analysis shall also establish the design exhaust vent stream organic compound concentration level or the design exhaust vent stream benzene concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.
40 CFR 61, §61.356(f)(3)	(3) If performance tests are used to determine control device performance in accordance with §61.349(c) of this subpart:
40 CFR 61, §61.356(f)(3)(i)	(i) A description of how it is determined that the test is conducted when the waste management unit or treatment process is operating at the highest load or capacity level. This description shall include the estimated or design flow rate and organic content of each vent stream and definition of the acceptable operating ranges of key process and control parameters during the test program.
40 CFR 61, §61.356(f)(3)(ii)	(ii) A description of the control device including the type of control device, control device manufacturer's name and model number, control device dimensions, capacity, and construction materials.
40 CFR 61, §61.356(f)(3)(iii)	(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.
40 CFR 61, §61.356(f)(3)(iv)	(iv) All test results.
40 CFR 61, §61.356(g)	(g) An owner or operator shall maintain a record for each visual inspection required by §§61.343 through 61.347 of this subpart that identifies a problem (such as a broken seal, gap or other problem) which could result in benzene emissions. The record shall include the date of the inspection, waste management unit and control equipment location where the problem is identified, a description of the problem, a description of the corrective action taken, and the date the corrective action was completed.

40 CFR 61, §61.356(h)	(h) An owner or operator shall maintain a record for each test of no detectable emissions required by §§61.343 through 61.347 and §61.349 of this subpart. The record shall include the following information: date the test is performed, background level measured during test, and maximum concentration indicated by the instrument reading measured for each potential leak interface. If detectable emissions are measured at a leak interface, then the record shall also include the waste management unit, control equipment, and leak interface location where detectable emissions were measured, a description of the problem, a description of the corrective action taken, and the date the corrective action was completed.
40 CFR 61, §61.356(i)	(i) For each treatment process and wastewater treatment system unit operated to comply with §61.348, the owner or operator shall maintain documentation that includes the following information regarding the unit operation:
40 CFR 61, §61.356(i)(1)	(1) Dates of startup and shutdown of the unit.
40 CFR 61, §61.356(i)(2)	(2) If measurements of waste stream benzene concentration are performed in accordance with §61.354(a)(1) of this subpart, the owner or operator shall maintain records that include date each test is performed and all test results.
40 CFR 61, §61.356(i)(3)	(3) If a process parameter is continuously monitored in accordance with §61.354(a)(2) of this subpart, the owner or operator shall maintain records that include a description of the operating parameter (or parameters) to be monitored to ensure that the unit will be operated in conformance with these standards and the unit's design specifications, and an explanation of the criteria used for selection of that parameter (or parameters). This documentation shall be kept for the life of the unit.
40 CFR 61, §61.356(i)(4)	(4) If measurements of waste stream benzene concentration are performed in accordance with §61.354(b), the owner or operator shall maintain records that include the date each test is performed and all test results.
40 CFR 61, §61.356(i)(5)	(5) Periods when the unit is not operated as designed.
40 CFR 61, §61.356(j)	(j) For each control device, the owner or operator shall maintain documentation that includes the following information regarding the control device operation:
40 CFR 61, §61.356(j)(1)	(1) Dates of startup and shutdown of the closed-vent system and control device.
40 CFR 61, §61.356(j)(2)	(2) A description of the operating parameter (or parameters) to be monitored to ensure that the control device will be operated in conformance with these standards and the control device's design specifications and an explanation of the criteria used for selection of that parameter (or parameters). This documentation shall be kept for the life of the control device.
40 CFR 61, §61.356(j)(3)	(3) Periods when the closed-vent system and control device are not operated as designed including all periods and the duration when:

40 CFR 61, §61.356(j)(3)(i)	(i) Any valve car-seal or closure mechanism required under §61.349(a)(1)(ii) is broken or the by-pass line valve position has changed.
40 CFR 61, §61.356(j)(3)(ii)	(ii) The flow monitoring devices required under §61.349(a)(1)(ii) indicate that vapors are not routed to the control device as required.
40 CFR 61, §61.356(j)(4)	(4) If a thermal vapor incinerator is used, then the owner or operator shall maintain continuous records of the temperature of the gas stream in the combustion zone of the incinerator and records of all 3-hour periods of operation during which the average temperature of the gas stream in the combustion zone is more than 28 °C (50 °F) below the design combustion zone temperature.
40 CFR 61, §61.356(j)(9)	(9) If a carbon adsorber is used, then the owner or operator shall maintain records from the monitoring device of the concentration of organics or the concentration of benzene in the control device outlet gas stream. If the concentration of organics or the concentration of benzene in the control device outlet gas stream is monitored, then the owner or operator shall record all 3-hour periods of operation during which the concentration of organics or the concentration of benzene in the exhaust stream is more than 20 percent greater than the design value. If the carbon bed regeneration interval is monitored, then the owner or operator shall record each occurrence when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time.
40 CFR 61, §61.356(j)(10)	(10) If a carbon adsorber that is not regenerated directly on site in the control device is used, then the owner or operator shall maintain records of dates and times when the control device is monitored, when breakthrough is measured, and shall record the date and time then the existing carbon in the control device is replaced with fresh carbon.
40 CFR 61, §61.357(a)	(a) Each owner or operator of a chemical plant, petroleum refinery, coke by-product recovery plant, and any facility managing wastes from these industries shall submit to the Administrator within 90 days after January 7, 1993, or by the initial startup for a new source with an initial startup after the effective date, a report that summarizes the regulatory status of each waste stream subject to §61.342 and is determined by the procedures specified in §61.355(c) to contain benzene. Each owner or operator subject to this subpart who has no benzene onsite in wastes, products, by-products, or intermediates shall submit an initial report that is a statement to this effect. For all other owners or operators subject to this subpart, the report shall include the following information:
40 CFR 61, §61.357(a)(1)	(1) Total annual benzene quantity from facility waste determined in accordance with §61.355(a) of this subpart.
40 CFR 61, §61.357(a)(2)	(2) A table identifying each waste stream and whether or not the waste stream will be controlled for benzene emissions in accordance with the requirements of this subpart.
40 CFR 61, §61.357(a)(3)	(3) For each waste stream identified as not being controlled for benzene emissions in accordance with the requirements of this subpart the following information shall be added to the table:

40 CFR 61, §61.357(a)(3)(i)	(i) Whether or not the water content of the waste stream is greater than 10 percent;
40 CFR 61, §61.357(a)(3)(ii)	(ii) Whether or not the waste stream is a process wastewater stream, product tank drawdown, or landfill leachate;
40 CFR 61, §61.357(a)(3)(iii)	(iii) Annual waste quantity for the waste stream;
40 CFR 61, §61.357(a)(3)(iv)	(iv) Range of benzene concentrations for the waste stream;
40 CFR 61, §61.357(a)(3)(v)	(v) Annual average flow-weighted benzene concentration for the waste stream; and
40 CFR 61, §61.357(a)(3)(vi)	(vi) Annual benzene quantity for the waste stream.
40 CFR 61, §61.357(a)(4)	(4) The information required in paragraphs (a) (1), (2), and (3) of this section should represent the waste stream characteristics based on current configuration and operating conditions. An owner or operator only needs to list in the report those waste streams that contact materials containing benzene. The report does not need to include a description of the controls to be installed to comply with the standard or other information required in §61.10(a).
40 CFR 61, §61.357(b)	(b) If the total annual benzene quantity from facility waste is less than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall submit to the Administrator a report that updates the information listed in paragraphs (a)(1) through (a)(3) of this section 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 (1.1 ton/yr) or more.
40 CFR 61, §61.357(c)	(c) If the total annual benzene quantity from facility waste is less than 10 Mg/yr (11 ton/yr) but is equal to or greater than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall submit to the Administrator a report that updates the information listed in paragraphs (a)(1) through (a)(3) of this section. The report shall be submitted annually and 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 10 Mg/yr (11 ton/yr) or more. If the information in the annual report required by paragraphs (a)(1) through (a)(3) of this section is not changed in the following year, the owner or operator may submit a statement to that effect.
40 CFR 61, §61.357(d)	(d) If the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr), then the owner or operator shall submit to the Administrator the following reports:
40 CFR 61, §61.357(d)(1)	(1) Within 90 days after January 7, 1993, unless a waiver of compliance under §61.11 of this part is granted, or by the date of initial startup for a new source with an initial startup after the effective date, a certification that the equipment necessary to comply with these standards has been installed and that the required initial inspections or tests have been carried out in

	accordance with this subpart. If a waiver of compliance is granted under §61.11, the certification of equipment necessary to comply with these standards shall be submitted by the date the waiver of compliance expires.
40 CFR 61, §61.357(d)(2)	(2) Beginning on the date that the equipment necessary to comply with these standards has been certified in accordance with paragraph (d)(1) of this section, the owner or operator shall submit annually to the Administrator a report that updates the information listed in paragraphs (a)(1) through (a)(3) of this section. If the information in the annual report required by paragraphs (a)(1) through (a)(3) of this section is not changed in the following year, the owner or operator may submit a statement to that effect.
40 CFR 61, §61.357(d)(3)	(3) If an owner or operator elects to comply with the requirements of §61.342(c)(3)(ii), then the report required by paragraph (d)(2) of this section shall include a table identifying each waste stream chosen for exemption and the total annual benzene quantity in these exempted streams.
40 CFR 61, §61.357(d)(6)	(6) Beginning 3 months after the date that the equipment necessary to comply with these standards has been certified in accordance with paragraph (d)(1) of this section, the owner or operator shall submit quarterly to the Administrator a certification that all of the required inspections have been carried out in accordance with the requirements of this subpart.
40 CFR 61, §61.357(d)(7)	(7) Beginning 3 months after the date that the equipment necessary to comply with these standards has been certified in accordance with paragraph (d)(1) of this section, the owner or operator shall submit a report quarterly to the Administrator that includes:
40 CFR 61, §61.357(d)(7)(i)	(i) If a treatment process or wastewater treatment system unit is monitored in accordance with §61.354(a)(1) of this subpart, then each period of operation during which the concentration of benzene in the monitored waste stream exiting the unit is equal to or greater than 10 ppmw.
40 CFR 61, §61.357(d)(7)(ii)	(ii) If a treatment process or wastewater treatment system unit is monitored in accordance with §61.354(a)(2) of this subpart, then each 3-hour period of operation during which the average value of the monitored parameter is outside the range of acceptable values or during which the unit is not operating as designed.
40 CFR 61, §61.357(d)(7)(iii)	(iii) If a treatment process or wastewater treatment system unit is monitored in accordance with §61.354(b), then each period of operation during which the flow-weighted annual average concentration of benzene in the monitored waste stream entering the unit is equal to or greater than 10 ppmw and/or the total annual benzene quantity is equal to or greater than 1.0 mg/yr.
40 CFR 61,	(iv) For a control device monitored in accordance with §61.354(c) of this

§61.357(d)(7)(iv)	subpart, each period of operation monitored during which any of the following conditions occur, as applicable to the control device:
40 CFR 61, §61.357(d)(7)(iv)	(A) Each 3-hour period of operation during which the average temperature of the gas stream in the combustion zone of a thermal vapor incinerator, as measured by the temperature monitoring device, is more than 28 °C (50 °F) below the design combustion zone temperature.
40 CFR 61, §61.357(d)(7)(iv)	(D) Each 3-hour period of operation during which the average concentration of organics or the average concentration of benzene in the exhaust gases from a carbon adsorber, condenser, or other vapor recovery system is more than 20 percent greater than the design concentration level of organics or benzene in the exhaust gas.
40 CFR 61, §61.357(d)(7)(iv)	(I) Each occurrence when the carbon in a carbon adsorber system that is not regenerated directly on site in the control device is not replaced at the predetermined interval specified in §61.354(c) of this subpart.
40 CFR 61, §61.357(d)(8)	(8) Beginning one year after the date that the equipment necessary to comply with these standards has been certified in accordance with paragraph (d)(1) of this section, the owner or operator shall submit annually to the Administrator a report that summarizes all inspections required by §§61.342 through 61.354 during which detectable emissions are measured or a problem (such as a broken seal, gap or other problem) that could result in benzene emissions is identified, including information about the repairs or corrective action taken.

51. These sources are considered affected sources under 40 CFR Part 63, Subpart DD and are subject, but not limited to, the conditions found in the following table. [Regulation 19, §19.304 and 40 CFR Part 63, Subpart DD]

40 CFR part 63, Subpart DD	
40 CFR 63, §63.683(b)	(b) *Off-site material management units.* (1) For each off-site material management unit that is part of an affected source, the owner or operator must meet the requirements in either paragraph (b)(1)(i), (b)(1)(ii), or (b)(1)(iii) of this section except for those off-site material management units exempted under paragraph (b)(2) of this section.
40 CFR 63, §63.685(d)	(d) Owners and operators controlling air emissions from a tank using Tank Level 2 controls shall use one of the following tanks:
40 CFR 63, §63.685(d)(3)	(3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in paragraph (g) of this section;
40 CFR 63, §63.685(g)	(g) The owner or operator who controls tank air emissions by venting to a control device shall meet the requirements specified in paragraphs (g)(1) through (g)(3) of this section.
40 CFR 63, §63.685(g)(1)	(1) The tank shall be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:
40 CFR 63,	(i) The fixed roof and its closure devices shall be designed to form a

§63.685(g)(1)	continuous barrier over the entire surface area of the liquid in the tank.
40 CFR 63, §63.685(g)(1)	(ii) Each opening in the fixed roof not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices shall be 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. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device shall be designed to operate with no detectable organic emissions.
40 CFR 63, §63.685(g)(1)	(iii) The fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the off-site material to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include: organic vapor permeability, the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
40 CFR 63, §63.685(g)(1)	(iv) The closed-vent system and control device shall be designed and operated in accordance with the requirements of §63.693 of this subpart.
40 CFR 63, §63.685(g)(2)	(2) Whenever an off-site material is in the tank, the fixed roof shall be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:
40 CFR 63, §63.685(g)(2)	(i) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
40 CFR 63, §63.685(g)(2)(i)	(A) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
40 CFR 63, §63.685(g)(2)(i)	(B) To remove accumulated sludge or other residues from the bottom of the tank.
40 CFR 63, §63.685(g)(2)	(ii) Opening of a safety device, as defined in §63.681 of this subpart, is allowed at any time conditions require it to do so to avoid an unsafe condition.
40 CFR 63, §63.685(g)(3)	(3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the procedures specified in §63.695 of this subpart.

40 CFR 63, §63.688(a)	(a) The provisions of this section apply to the control of air emissions from containers for which §63.683(b)(1)(i) of this subpart references the use of this section for such air emission control.
40 CFR 63, §63.688(b)	(b) The owner or operator shall control air emissions from each container subject to this section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in paragraph (c) of this section apply to the container.
40 CFR 63, §63.688(b)(3)	(3) For a container having a design capacity greater than 0.46 m3 and the container is in light-material service as defined in §63.681 of this subpart, the owner or operator must control air emissions from the container in accordance with the requirements in either paragraph (b)(3)(i) or (b)(3)(ii) of this section.
40 CFR 63, §63.688(b)(3)(i)	(i) The owner or operator controls air emissions from the container in accordance with the standards for Container Level 2 controls as specified in 40 CFR part 63, subpart PP-National Emission Standards for Containers.
40 CFR 63, §63.688(b)(3)(ii)	(ii) As an alternative to meeting the requirements in paragraph (b)(3)(i) of this section, an owner or operator may choose to control air emissions from the container in accordance with the standards for Container Level 3 controls as specified in 40 CFR part 63, subpart PP-National Emission Standards for Containers.
40 CFR 63, §63.689(a)	(a) The provisions of this section apply to the control of air emissions from transfer systems for which §63.683(b)(1)(i) of this subpart references the use of this section for such air emission control.
40 CFR 63, §63.689(c)	(c) For each transfer system that is subject to this section but is not an individual drain system, the owner or operator shall control air emissions by using one of the transfer systems specified in paragraphs (c)(1) through (c)(3) of this section.
40 CFR 63, §63.689(c)(1)	(1) A transfer system that uses covers in accordance with the requirements specified in paragraph (d) of this section.
40 CFR 63, §63.689(c)(2)	(2) A transfer system that consists of continuous hard-piping. All joints or seams between the pipe sections shall be permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed flange).
40 CFR 63, §63.689(c)(3)	(3) A transfer system that is enclosed and vented through a closed-vent system to a control device in accordance with the requirements specified in paragraphs (c)(3)(i) and (c)(3)(ii) of this section.
40 CFR 63, §63.689(c)(3)	(i) The transfer system is designed and operated such that an internal pressure in the vapor headspace in the enclosure is maintained at a level less than atmospheric pressure when the control device is operating, and
40 CFR 63, §63.689(c)(3)	(ii) The closed-vent system and control device are designed and operated in accordance with the requirements of §63.693 of this subpart.
40 CFR 63, §63.693(a)	(a) The provisions of this section apply to closed-vent systems and control devices used to control air emissions for which another standard references

	the use of this section for such air emission control.
40 CFR 63, §63.693(b)	(b) For each closed-vent system and control device used to comply with this section, the owner or operator shall meet the following requirements:
40 CFR 63, §63.693(b)(1)	(1) The owner or operator must use a closed-vent system that meets the requirements specified in paragraph (c) of this section.
40 CFR 63, §63.693(b)(2)	(2) The owner or operator must use a control device that meets the requirements specified in paragraphs (d) through (h) of this section as applicable to the type and design of the control device selected by the owner or operator to comply with the provisions of this section.
40 CFR 63, §63.693(b)(3)	(3) Whenever gases or vapors containing HAP are vented through a closed-vent system connected to a control device used to comply with this section, the control device must be operating except at those times listed in either paragraph (b)(3)(i) or (b)(3)(ii) of this section.
40 CFR 63, §63.693(b)(3)	(i) The control device may be bypassed for the purpose of performing planned routine maintenance of the closed-vent system or control device in situations when the routine maintenance cannot be performed during periods that the emission point vented to the control device is shutdown. On an annual basis, the total time that the closed-vent system or control device is bypassed to perform routine maintenance shall not exceed 240 hours per each calendar year.
40 CFR 63, §63.693(b)(3)	(ii) The control device may be bypassed for the purpose of correcting a malfunction of the closed-vent system or control device. The owner or operator shall perform the adjustments or repairs necessary to correct the malfunction as soon as practicable after the malfunction is detected.
40 CFR 63, §63.693(b)(4)	(4) The owner or operator must inspect and monitor each closed-vent system in accordance with the requirements specified in either paragraph (b)(4)(i) or (b)(4)(ii) of this section.
40 CFR 63, §63.693(b)(4)	(i) The owner or operator inspects and monitors the closed-vent system in accordance with the requirements specified in §63.695(c) of this subpart, and complies with the applicable recordkeeping requirements in §63.696 of this subpart and the applicable reporting requirements in §63.697 of this subpart.
40 CFR 63, §63.693(b)(4)	(ii) As an alternative to meeting the requirements specified in paragraph (b)(4)(i) of this section, the owner or operator may choose to inspect and monitor the closed-vent system in accordance with the requirements under 40 CFR part 63, subpart H-National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks as specified in 40 CFR 63.172(f) through (h), and complies with the applicable recordkeeping requirements in 40 CFR 63.181 and the applicable reporting requirements in 40 CFR 63.182.
40 CFR 63, §63.693(b)(5)	(5) The owner or operator must monitor the operation of each control device in accordance with the requirements specified in paragraphs (d) through (h) of this section as applicable to the type and design of the control device selected by the owner or operator to comply with the provisions of this

	section.
40 CFR 63, §63.693(b)(6)	(6) The owner or operator shall maintain records for each control device in accordance with the requirements of §63.696 of this subpart.
40 CFR 63, §63.693(b)(7)	(7) The owner or operator shall prepare and submit reports for each control device in accordance with the requirements of §63.697 of this subpart.
40 CFR 63, §63.693(c)	(c) Closed-vent system requirements.
40 CFR 63, §63.693(c)(1)	(1) The vent stream required to be controlled shall be conveyed to the control device by either of the following closed-vent systems:
40 CFR 63, §63.693(c)(1)	(i) A closed-vent system that is designed to operate with no detectable organic emissions using the procedure specified in §63.694(k) of this subpart; or
40 CFR 63, §63.693(c)(1)	(ii) A closed-vent system that is designed to operate at a pressure below atmospheric pressure. The system shall be equipped with at least one pressure gage or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.
40 CFR 63, §63.693(c)(2)	(2) In situations when the closed-vent system includes bypass devices that could be used to divert a vent stream from the closed-vent system to the atmosphere at a point upstream of the control device inlet, each bypass device must be equipped with either a flow indicator as specified in paragraph (c)(2)(i) of this section or a seal or locking device as specified in paragraph (c)(2)(ii) of this section. For the purpose of complying with this paragraph (c)(2), low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, or pressure relief valves needed for safety reasons are not subject to the requirements of this paragraph (c)(2).
40 CFR 63, §63.693(c)(2)	(i) If a flow indicator is used, the indicator must be installed at the entrance to the bypass line used to divert the vent stream from the closed-vent system to the atmosphere. The flow indicator must indicate a reading at least once every 15 minutes. The owner or operator must maintain records of the following information: hourly records of whether the flow indicator was operating and whether flow was detected at any time during the hour; and records of all periods when flow is detected or the flow indicator is not operating.
40 CFR 63, §63.693(c)(2)	(ii) If a seal or locking device is used to comply with paragraph (c)(2) of this section, the device shall be placed on the mechanism by which the bypass device position is controlled (*e.g.*, valve handle, damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve.
40 CFR 63, §63.693(d)	(d) Carbon adsorption control device requirements.
40 CFR 63,	(1) The carbon adsorption system must achieve the performance

§63.693(d)(1)	specifications in either paragraph (d)(1)(i) or (d)(1)(ii) of this section.
40 CFR 63, §63.693(d)(1)	(i) Recover 95 percent or more, on a weight-basis, of the total organic compounds (TOC), less methane and ethane, contained in the vent stream entering the carbon adsorption system; or
40 CFR 63, §63.693(d)(1)	(ii) Recover 95 percent or more, on a weight-basis, of the total HAP listed in Table 1 of this subpart contained in the vent stream entering the carbon adsorption system.
40 CFR 63, §63.693(d)(2)	(2) The owner or operator must demonstrate that the carbon adsorption system achieves the performance requirements in paragraph (d)(1) of this section by either performing a performance test as specified in paragraph (d)(2)(i) of this section or a design analysis as specified in paragraph (d)(2)(ii) of this section.
40 CFR 63, §63.693(d)(2)	(i) An owner or operator choosing to use a performance test to demonstrate compliance must conduct the test in accordance with the requirements of §63.694(l) of this subpart.
40 CFR 63, §63.693(d)(2)	(ii) An owner or operator choosing to use a design analysis to demonstrate compliance must include as part of this design analysis the information specified in either paragraph (d)(2)(ii)(A) or (d)(2)(ii)(B) of this section as applicable to the carbon adsorption system design.
40 CFR 63, §63.693(d)(2)(ii)	(B) For a nonregenerable carbon adsorption system (e.g., a carbon canister), the design analysis shall address the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration, carbon bed capacity, activated carbon type and working capacity, and design carbon replacement interval based on the total carbon working capacity of the control device and emission point operating schedule.
40 CFR 63, §63.693(d)(3)	(3) The owner or operator must monitor the operation of the carbon adsorption system in accordance with the requirements of §63.695(e) using one of the continuous monitoring systems specified in paragraphs (d)(3)(i) through (iii) of this section. Monitoring the operation of a nonregenerable carbon adsorption system (*e.g.,* a carbon canister) using a continuous monitoring system is not required when the carbon canister or the carbon in the control device is replaced on a regular basis according to the requirements in paragraph (d)(4)(iii) of this section.
40 CFR 63, §63.693(d)(3)	(ii) A continuous monitoring system to measure and record the daily average concentration level of organic compounds in the exhaust gas stream from the control device. The organic monitoring system must comply either with Performance Specification 8 or 9 in 40 CFR part 60, appendix B. The relative accuracy provision of Performance Specification 8, Sections 2.4 and 3 need not be conducted.
40 CFR 63, §63.693(d)(4)	(4) The owner or operator shall manage the carbon used for the carbon adsorption system, as follows:

40 CFR 63, §63.693(d)(4)	(i) Following the initial startup of the control device, all carbon in the control device shall be replaced with fresh carbon on a regular, predetermined time interval that is no longer than the carbon service life established for the carbon adsorption system. The provisions of this paragraph (d)(4)(i) do not apply to a nonregenerable carbon adsorption system (*e.g.,* a carbon canister) for which the carbon canister or the carbon in the control device is replaced on a regular basis according to the requirements in paragraph (d)(4)(iii) of this section.
40 CFR 63, §63.693(d)(4)	(ii) The spent carbon removed from the carbon adsorption system must be either regenerated, reactivated, or burned in one of the units specified in paragraphs (d)(4)(ii)(A) through (d)(4)(ii)(G) of this section.
40 CFR 63, §63.693(d)(4)	(iii) As an alternative to meeting the requirements in paragraphs (d)(3) and (d)(4)(i) of this section, an owner or operator of a nonregenerable carbon adsorption system may choose to replace on a regular basis the carbon canister or the carbon in the control device using the procedures in either paragraph (d)(4)(iii)(A) or (d)(4)(iii)(B) of this section. For the purpose of complying with this paragraph (d)(4)(iii), a nonregenerable carbon adsorption system means a carbon adsorption system that does not regenerate the carbon bed directly onsite in the control device, such as a carbon canister. The spent carbon removed from the nonregenerable carbon adsorption system must be managed according to the requirements in paragraph (d)(4)(ii) of this section.
40 CFR 63, §63.693(d)(4)(iii)	(A) Monitor the concentration level of the organic compounds in the exhaust vent from the carbon adsorption system on a regular schedule, and when carbon breakthrough is indicated, immediately replace either the existing carbon canister with a new carbon canister or replace the existing carbon in the control device with fresh carbon. Measurement of the concentration level of the organic compounds in the exhaust vent stream must be made with a detection instrument that is appropriate for the composition of organic constituents in the vent stream and is routinely calibrated to measure the organic concentration level expected to occur at breakthrough. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of paragraph (d)(2)(ii)(B) of this section, whichever is longer.
40 CFR 63, §63.693(d)(4)(iii)	(B) Replace either the existing carbon canister with a new carbon canister or replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of paragraph (d)(2)(ii)(B) of this section.
40 CFR 63, §63.693(f)	(f) Vapor incinerator control device requirements.
40 CFR 63, §63.693(f)(1)	(1) The vapor incinerator must achieve the performance specifications in either paragraph (f)(1)(i), (f)(1)(ii), or (f)(1)(iii) of this section.

40 CFR 63, §63.693(f)(1)	(iii) Maintain the conditions in the vapor incinerator combustion chamber at a residence time of 0.5 seconds or longer and at a temperature of 760°C or higher.
40 CFR 63, §63.693(f)(2)	(2) The owner or operator must demonstrate that the vapor incinerator achieves the performance requirements in paragraph (f)(1) of this section by either performing a performance test as specified in paragraph (f)(2)(i) of this section or a design analysis as specified in paragraph (f)(2)(ii) of this section.
40 CFR 63, §63.693(f)(2)	(i) An owner or operator choosing to use a performance test to demonstrate compliance must conduct the test in accordance with the requirements of §63.694(l) of this subpart.
40 CFR 63, §63.693(f)(2)	(ii) An owner or operator choosing to use a design analysis to demonstrate compliance must include as part of this design analysis the information specified in either paragraph (f)(2)(ii)(A) or (f)(2)(ii)(B) of this section as applicable to the vapor incinerator design.
40 CFR 63, §63.693(f)(2)(ii)	(A) For a thermal vapor incinerator, the design analysis shall address the vent stream composition, constituent concentrations, and flow rate and shall establish the design minimum and average temperatures in the combustion chamber and the combustion chamber residence time.
40 CFR 63, §63.693(f)(3)	(3) The owner or operator must monitor the operation of the vapor incinerator in accordance with the requirements of §63.695(e) of this subpart using one of the continuous monitoring systems specified in paragraphs (f)(3)(i) through (f)(3)(iv) of this section as applicable to the type of vapor incinerator used.
40 CFR 63, §63.693(f)(3)	(i) For a thermal vapor incinerator, a continuous parameter monitoring system to measure and record the daily average temperature of the exhaust gases from the control device. The accuracy of the temperature monitoring device must be ±1 percent of the temperature being measured, expressed in degrees Celsius of ±0.5 °C, whichever is greater.
40 CFR 63, §63.693(f)(3)	(iii) For either type of vapor incinerator, a continuous monitoring system to measure and record the daily average concentration of organic compounds in the exhaust vent stream from the control device. The organic monitoring system must comply either with Performance Specification 8 or 9 in 40 CFR part 60, appendix B. The relative accuracy provision of Performance Specification 8, Sections 2.4 and 3 need not be conducted.
40 CFR 63, §63.695(a)	(a) This section specifies the inspection and monitoring procedures required to perform the following:
40 CFR 63, §63.695(a)(2)	(2) To inspect and monitor closed-vent systems for compliance with the standards specified in §63.693 of this subpart, the inspection and monitoring procedures are specified in paragraph (c) of this section.
40 CFR 63, §63.695(a)(3)	(3) To inspect and monitor transfer system covers for compliance with the standards specified in §63.689(c)(1) of this subpart, the inspection and monitoring procedures are specified in paragraph (d) of this section.

40 CFR 63, §63.695(a)(4)	(4) To monitor and record off-site material treatment processes for compliance with the standards specified in 63.684(e), the monitoring procedures are specified in paragraph (e) of this section.
40 CFR 63, §63.695(b)	(b) Tank Level 2 fixed roof and floating roof inspection requirements.
40 CFR 63, §63.695(b)(3)	(3) Owners and operators that use a tank equipped with a fixed roof in accordance with the provisions of §63.685(g) of this subpart shall meet the following requirements:
40 CFR 63, §63.695(b)(3)	(i) The fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the separator wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the case when a tank is buried partially or entirely underground, inspection is required only for those portions of the cover that extend to or above the ground surface, and those connections that are on such portions of the cover (e.g., fill ports, access hatches, gauge wells, etc.) and can be opened to the atmosphere.
40 CFR 63, §63.695(b)(3)	(ii) The owner or operator must perform an initial inspection following installation of the fixed roof. Thereafter, the owner or operator must perform the inspections at least once every calendar year except as provided for in paragraph (f) of this section.
40 CFR 63, §63.695(b)(3)	(iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (b)(4) of this section.
40 CFR 63, §63.695(b)(3)	(iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in §63.696(e) of this subpart.
40 CFR 63, §63.695(b)(4)	(4) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of paragraph (b)(1), (b)(2), or (b)(3) of this section in the following manner:
40 CFR 63, §63.695(b)(4)	(i) The owner or operator shall within 45 calendar days of detecting the defect either repair the defect or empty the tank and remove it from service. If within this 45-day period the defect cannot be repaired or the tank cannot be removed from service without disrupting operations at the plant site, the owner or operator is allowed two 30-day extensions. In cases when an owner or operator elects to use a 30-day extension, the owner or operator shall prepare and maintain documentation describing the defect, explaining why alternative storage capacity is not available, and specify a schedule of actions that will ensure that the control equipment will be repaired or the tank emptied as soon as possible.
40 CFR 63, §63.695(b)(4)	(ii) When a defect is detected during an inspection of a tank that has been emptied and degassed, the owner or operator shall repair the defect before refilling the tank.

40 CFR 63, §63.695(c)	(c) Owners and operators that use a closed-vent system in accordance with the provisions of §63.693 of this subpart shall meet the following inspection and monitoring requirements:
40 CFR 63, §63.695(c)(1)	(1) Each closed-vent system that is used to comply with §63.693(c)(1)(i) of this subpart shall be inspected and monitored in accordance with the following requirements:
40 CFR 63, §63.695(c)(1)	(i) At initial startup, the owner or operator shall monitor the closed-vent system components and connections using the procedures specified in §63.694(k) of this subpart to demonstrate that the closed-vent system operates with no detectable organic emissions.
40 CFR 63, §63.695(c)(1)	(ii) After initial startup, the owner or operator shall inspect and monitor the closed-vent system as follows:
40 CFR 63, §63.695(c)(1)(ii)	(A) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) shall be visually inspected at least once per year to check for defects that could result in air emissions. The owner or operator shall monitor a component or connection using the procedures specified in §63.694(k) of this subpart to demonstrate that it operates with no detectable organic emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
40 CFR 63, §63.695(c)(1)(ii)	(B) Closed-vent system components or connections other than those specified in paragraph (c)(1)(ii)(A) of this section, shall be monitored at least once per year using the procedures specified in §63.694(k) of this subpart to demonstrate that components or connections operate with no detectable organic emissions.
40 CFR 63, §63.695(c)(1)(ii)	(C) The continuous monitoring system required by §63.693(b)(4)(i) shall monitor and record either an instantaneous data value at least once every 15 minutes or an average value for intervals of 15 minutes or less.
40 CFR 63, §63.695(c)(1)(ii)	(D) The owner or operator shall visually inspect the seal or closure mechanism required by §63.693(c)(2)(ii) at least once every month to verify that the bypass mechanism is maintained in the closed position.
40 CFR 63, §63.695(c)(1)	(iv) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in §63.696 of this subpart.
40 CFR 63, §63.695(c)(3)	(3) The owner or operator shall repair all detected defects as follows:
40 CFR 63, §63.695(c)(3)	(i) The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection.
40 CFR 63, §63.695(c)(3)	(ii) Repair of a defect may be delayed beyond 45 calendar days if either of the conditions specified in paragraph (c)(3)(ii)(A) or (c)(3)(ii)(B) occurs. In this case, the owner or operator must repair the defect the next time the process or unit that vents to the closed-vent system is shutdown. Repair of

	the defect must be completed before the process or unit resumes operation.
40 CFR 63, §63.695(c)(3)(ii)	(A) Completion of the repair is technically infeasible without the shutdown of the process or unit that vents to the closed-vent system.
40 CFR 63, §63.695(c)(3)(ii)	(B) The owner or operator determines that the air emissions resulting from the repair of the defect within the specified period would be greater than the fugitive emissions likely to result by delaying the repair until the next time the process or unit that vents to the closed-vent system is shutdown.
40 CFR 63, §63.695(c)(3)	(iii) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in §63.696 of this subpart.
40 CFR 63, §63.695(d)	(d) Owners and operators that use a transfer system equipped with a cover in accordance with the provisions of §63.689(c)(1) of this subpart shall meet the following inspection requirements:
40 CFR 63, §63.695(d)(1)	(1) The cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover sections or between the cover and its mounting; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the case when a transfer system is buried partially or entirely underground, inspection is required only for those portions of the cover that extend to or above the ground surface, and those connections that are on such portions of the cover (e.g., access hatches, etc.) and can be opened to the atmosphere.
40 CFR 63, §63.695(d)(2)	(2) The owner or operator must perform an initial inspection following installation of the cover. Thereafter, the owner or operator must perform the inspections at least once every calendar year except as provided for in paragraph (f) of this section.
40 CFR 63, §63.695(d)(3)	(3) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (d)(5) of this section.
40 CFR 63, §63.695(d)(4)	(4) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in §63.696 of this subpart.
40 CFR 63, §63.695(d)(5)	(5) The owner or operator shall repair all detected defects as follows:
40 CFR 63, §63.695(d)(5)	(i) The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (d)(5)(ii) of this section.
40 CFR 63, §63.695(d)(5)	(ii) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the transfer system and no alternative transfer system is available at the site to accept the material normally handled by the system. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the material handled by the transfer system stops operation. Repair of the defect must be

	completed before the process or unit resumes operation.
40 CFR 63, §63.695(d)(5)	(iii) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in §63.696 of this subpart.
40 CFR 63, §63.695(e)	(e) *Control device monitoring requirements.* For each control device required under §63.693 of this subpart to be monitored in accordance with the provisions of this paragraph (e), the owner or operator must ensure that each control device operates properly by monitoring the control device in accordance with the requirements specified in paragraphs (e)(1) through (e)(7) of this section.
40 CFR 63, §63.695(e)(1)	(1) A continuous parameter monitoring system must be used to measure the operating parameter or parameters specified for the control device in §63.693(d) through §63.693(g) of this subpart as applicable to the type and design of the control device. The continuous parameter monitoring system must meet the following specifications and requirements:
40 CFR 63, §63.695(e)(1)	(i) The continuous parameter monitoring system must measure either an instantaneous value at least once every 15 minutes or an average value for intervals of 15 minutes or less and continuously record either:
40 CFR 63, §63.695(e)(1)(i)	(A) Each measured data value; or
40 CFR 63, §63.695(e)(1)(i)	(B) Each block average value for each 1-hour period or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values.
40 CFR 63, §63.695(e)(1)	(ii) The monitoring system must be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications or other written procedures that provide reasonable assurance that the monitoring equipment is operating properly.
40 CFR 63, §63.695(e)(2)	(2) Using the data recorded by the monitoring system, the owner or operator must calculate the daily average value for each monitored operating parameter for each operating day. If operation of the control device is continuous, the operating day is a 24-hour period. If control device operation is not continuous, the operating day is the total number of hours of control device operation per 24-hour period. Valid data points must be available for 75 percent of the operating hours in an operating day to compute the daily average.
40 CFR 63, §63.695(e)(3)	(3) For each monitored operating parameter, the owner or operator must establish a minimum operating parameter value or a maximum operating parameter value, as appropriate, to define the range of conditions at which the control device must be operated to continuously achieve the applicable performance requirements specified in §63.693(b)(2) of this subpart. Each minimum or maximum operating parameter value must be established in accordance with the requirements in paragraphs (e)(3)(i) and (e)(3)(ii) of this section.

40 CFR 63, §63.695(e)(3)	(i) If the owner or operator conducts a performance test to demonstrate control device performance, then the minimum or maximum operating parameter value must be established based on values measured during the performance test and supplemented, as necessary, by the control device design specifications, manufacturer recommendations, or other applicable information.
40 CFR 63, §63.695(e)(3)	(ii) If the owner or operator uses a control device design analysis to demonstrate control device performance, then the minimum or maximum operating parameter value must be established based on the control device design analysis and supplemented, as necessary, by the control device manufacturer recommendations or other applicable information.
40 CFR 63, §63.695(e)(4)	(4) An excursion for a given control device is determined to have occurred when the monitoring data or lack of monitoring data result in any one of the criteria specified in paragraphs (e)(4)(i) through (e)(4)(iii) of this section being met. When multiple operating parameters are monitored for the same control device and during the same operating day more than one of these operating parameters meets an excursion criterion specified in paragraphs (e)(4)(i) through (e)(4)(iii) of this section, then a single excursion is determined to have occurred for the control device for that operating day.
40 CFR 63, §63.695(e)(4)	(i) An excursion occurs when the daily average value of a monitored operating parameter is less than the minimum operating parameter limit (or, if applicable, greater than the maximum operating parameter limit) established for the operating parameter in accordance with the requirements of paragraph (e)(3) of this section.
40 CFR 63, §63.695(e)(4)	(ii) An excursion occurs when the period of control device operation is 4 hours or greater in an operating day and the monitoring data are insufficient to constitute a valid hour of data for at least 75 percent of the operating hours. Monitoring data are insufficient to constitute a valid hour of data if measured values are unavailable for any of the 15-minute periods within the hour.
40 CFR 63, §63.695(e)(4)	(iii) An excursion occurs when the period of control device operation is less than 4 hours in an operating day and more than 1 of the hours during the period does not constitute a valid hour of data due to insufficient monitoring data. Monitoring data are insufficient to constitute a valid hour of data if measured values are unavailable for any of the 15-minute periods within the hour.
40 CFR 63, §63.696(a)	(a) The owner or operator subject to this subpart shall comply with the recordkeeping requirements in §63.10 under 40 CFR 63 subpart A-General Provisions that are applicable to this subpart as specified in Table 2 of this subpart.
40 CFR 63, §63.696(b)	(b) The owner or operator of a control device subject to this subpart shall maintain the records in accordance with the requirements of 40 CFR 63.10 of this part.
40 CFR 63, §63.696(e)	(e) Each owner or operator using a fixed roof to comply with the tank control requirements specified in §63.685(g) of this subpart shall prepare

	and maintain the following records:
40 CFR 63, §63.696(e)(1)	(1) A record for each inspection required by §63.695(b) of this subpart, as applicable to the tank, that includes the following information: a tank identification number (or other unique identification description as selected by the owner or operator) and the date of inspection.
40 CFR 63, §63.696(e)(2)	(2) The owner or operator shall record for each defect detected during inspections required by §63.695(b) of this subpart the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of §63.695(b)(4) of this section, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
40 CFR 63, §63.696(g)	(g) An owner or operator shall record, on a semiannual basis, the information specified in paragraphs (g)(1) and (g)(2) of this section for those planned routine maintenance operations that would require the control device not to meet the requirements of §63.693(d) through (h) of this subpart, as applicable.
40 CFR 63, §63.696(g)(1)	(1) 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.
40 CFR 63, §63.696(g)(2)	(2) 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 these 6 months that the control device did not meet the requirement of §63.693 (d) through (h) of this subpart, as applicable, due to planned routine maintenance.
40 CFR 63, §63.696(h)	(h) An owner or operator shall record the information specified in paragraphs (h)(1) through (h)(3) of this section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of §63.693 (d) through (h) of this subpart, as applicable.
40 CFR 63, §63.696(h)(1)	(1) The occurrence and duration of each malfunction of the control device system.
40 CFR 63, §63.696(h)(2)	(2) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
40 CFR 63, §63.696(h)(3)	(3) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.
40 CFR 63, §63.697(a)	(a) Each owner or operator of an affected source subject to this subpart must comply with the notification requirements specified in paragraph (a)(1) of this section and the reporting requirements specified in paragraph (a)(2) of

	this section.
40 CFR 63, §63.697(a)(1)	(1) The owner or operator of an affected source must submit notices to the Administrator in accordance with the applicable notification requirements in 40 CFR 63.9 as specified in Table 2 of this subpart. For the purpose of this subpart, an owner or operator subject to the initial notification requirements under 40 CFR 63.9(b)(2) must submit the required notification on or before October 19, 1999.
40 CFR 63, §63.697(a)(2)	(2) The owner or operator of an affected source must submit reports to the Administrator in accordance with the applicable reporting requirements in 40 CFR 63.10 as specified in Table 2 of this subpart.
40 CFR 63, §63.697(b)	(b) The owner or operator of a control device used to meet the requirements of §63.693 of this subpart shall submit the following notifications and reports to the Administrator:
40 CFR 63, §63.697(b)(1)	(1) A Notification of Performance Tests specified in §63.7 and §63.9(g) of this part,
40 CFR 63, §63.697(b)(2)	(2) Performance test reports specified in §63.10(d)(2) of this part, and
40 CFR 63, §63.697(b)(3)	(3) Startup, shutdown, and malfunction reports specified in §63.10(d)(5) of this part.
40 CFR 63, §63.697(b)(3)	(i) 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 not completely consistent with the procedures specified in the source's startup, shutdown, and malfunction plan specified in §63.6(e)(3) of this part, the owner or operator shall state such information in the report. The startup, shutdown, or malfunction report shall consist of a letter, containing the name, title, and signature of the responsible official who is certifying its accuracy, that shall be submitted to the Administrator, and
40 CFR 63, §63.697(b)(3)	(ii) Separate startup, shutdown, or malfunction reports are not required if the information is included in the summary report specified in paragraph (b)(4) of this section.
40 CFR 63, §63.697(b)(4)	(4) A summary report specified in §63.10(e)(3) of this part shall be submitted on a semiannual basis (i.e., once every 6-month period). The summary report must include a description of all excursions as defined in §63.695(e) of this subpart that have occurred during the 6-month reporting period. For each excursion caused when the daily average value of a monitored operating parameter is less than the minimum operating parameter limit (or, if applicable, greater than the maximum operating parameter limit), the report must include the daily average values of the monitored parameter, the applicable operating parameter limit, and the date and duration of the period that the exceedance occurred. For each excursion caused by lack of monitoring data, the report must include the date and duration of period when the monitoring data were not collected and the reason why the data were not collected.

Sources subject to 40 CFR Part 63, Subpart EEE

Source Description

The kiln, bypass, coal mill and clinker cooler all vent to this stack.

Specific Conditions

52. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with the PM/PM_{10} emission rates through compliance with Specific Condition 54 and Plantwide Condition 9. Compliance with the SO_2, VOC, CO, and NO_x rates shall be demonstrated through compliance with Plantwide Condition 9. Compliance with the lead emission rates shall be demonstrated through compliance with Specific Condition 55. [Regulation 19, §19.901 and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	tpy
443.BF10	Vents to 443.SK10		
443.BF30	Vents to 443.SK10		
443.SK10	PM	31.0	119.3
	PM_{10}	31.0	119.3
	SO_2	616.0[1]	2,699.0
	VOC	27.5[1]	120.5
	CO	2,500[2]	1,714.0
	NO_x	678.0[1]	2,970.0
	Lead	0.14	0.7

1. 30-day rolling average value
2. 8-hour average

53. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with the PM/PM_{10} emission rate through compliance with Specific Condition 54 and Plantwide Condition 9. Compliance with the HAP emission rates shall be demonstrated through compliance Specific Condition 55. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
443.BF10	Vents to 443.SK10		
443.BF30	Vents to 443.SK10		

443.SK10	1,1,1-Trichloroethane 1,1,2,2-Tetrachloroethane 1,1,2-Trichloroethane 1,1-Dichloroethane 1,1-Dimethyl hydrazine 1,2-Dibromo-3-chloropropane 1,2-Dichloroethane 1,2-Dichloropropane 1,2-Diphenylhydrazine 1,2-Epoxybutane 1,2-Propylenimine (2-Methylaziridine) 1,3-Butadiene 1,3-Propane sultone 1,4-Dioxane 1,4-Phenylenediamine 2,2,4-Trimethylpentane 2,3,7,8-Tetrachlorodibenzo-p-dioxin 2,4-D, salts and esters 2,4-Toluene diamine 2,4-Toluene diisocyanate 2-Acetylaminofluorene 2-Chloroacetophenone 2-Nitropropane 3,3-Dimethoxybenzidine 3,3'-Dimethyl benzidine 4,4-Methylenebis(2-chloroaniline) 4,4'-Methylenedianiline 4,6-Dinitro-o-cresol, and salts 4-Nitrobiphenyl Acetaldehyde Acetamide Acetonitrile Acetophenone Acrolein Acrylic acid Benzene Benzotrichloride Benzyl chloride beta-Propiolactone Biphenyl Bromoform Calcium cyanamide Captan Carbaryl Carbonyl sulfide	27.5**	120.5**

	Catechol		
	Chloramben		
	Chlordane		
	Chloroacetic acid		
	Chlorobenzilate		
	Chloromethyl methyl ether		
	Chloroprene		
	Cresols/Cresylic acid		
	DDE		
	Diazomethane		
	Dibutylphthalate		
	Dichlorvos		
	Diethanolamine		
	Diethyl sulfate		
	Dimethyl aminoazobenzene		
	Dimethyl carbamoyl chloride		
	Dimethyl formamide		
	Dimethyl sulfate		
	Epichlorohydrin (l-Chloro-2,3epoxypropane)		
	Ethyl carbamate (Urethane)		
	Ethyl chloride (Chloroethane)		
	Ethylene dibromide		
	Ethylene glycol		
	Ethylene imine (Aziridine)		
	Ethylene oxide		
	Ethylene thiourea		
	Ethylidene dichloride		
	Formaldehyde		
	Glycol ethers		
	Heptachlor		
	Hexamethylene-1,6-diisocyanate		
	Hexamethylphosphoramide		
	Hydrazine		
	Lindane (all isomers)		
	Maleic anhydride		
	m-Cresol		
	Methanol		
	Methoxychlor		
	Methyl hydrazine		
	Methyl isobutyl ketone (Hexone)		
	Methyl isocyanate		
	Methyl Methacrylate		
	Methyl tert-butyl ether		
	Methylene diphenyl diisocyanate		
	N,N-Dimethylaniline		

	N-Nitrosodimethylamine N-Nitrosomorpholine N-Nitroso-N-methylurea o-Anisidine o-Cresol Parathion p-Cresol Phosgene Phosphine Phthalic anhydride Polychlorinated biphenyls Propionaldehyde Propoxur (Baygon) Propylene oxide Quinoline Quinone Styrene oxide Tetrachloroethylene Toxaphene (chlorinated camphene) trans-1,3-Dichloropropene Trichloroethylene Triethylamine Trifluralin Vinyl acetate Vinyl chloride		
	Dioxin/Furan	2.93E-7	1.3E-6
	HCl Hydrogen fluoride Hydrogen sulfide Chlorine Titanium tetrachloride Carbon tetrachloride	95.1	416.6
	Arsenic Beryllium Cadmium Chromium Mercury	0.04 0.04 0.14 0.04 0.09	0.2 0.2 0.7 0.2 0.4
	Antimony Asbestos Cobalt Cyanide Compounds Fine mineral fibers Manganese	27.3*	119.3*

	Nickel Phosphorus Polycylic Organic Matter Radionuclides (including radon) Selenium		
	Hexachlorobenzene	1.7	0.1
	Acrylamide	2.5	0.1
	Bis(chloromethyl)ether	4.0	0.1

*Compliance shown through compliance with the PM/PM_{10} emission rate
** Compliance shown through compliance with the VOC limit

54. For the purpose of demonstrating compliance with the particulate matter standard of 0.15 kg/Mg dry feed (0.3 lb/ton dry feed) set forth in 40 CFR 63, Subpart EEE, the permittee shall comply with the requested limit of 0.0069 gr/dscf at 7 percent O_2 which was used in the PM netting analysis. The requested limit is more restrictive than the particulate matter standard in 40 CFR Part 63, Subpart EEE. For the purpose of demonstrating compliance with 0.0069 gr/dscf at 7 percent O_2 the permittee shall determine the portion of the stack gas emitted at SN-443.SK10 which shall be attributed to combustion processes taking place in the kilns. While the 0.0069 gr/dscf standard shall apply to the entire stream exiting the stack, only the portion of the total stack gas made up of gases from the kiln, coal-mill and bypass shall be corrected to 7 percent O_2. This determination shall be made by following the method listed below.

a. Determine the quantity by volume from each source in the stack gas.
   i. Measure the air flow rate from the clinker cooler, the temperature of the stream before it is ducted through the raw mill, and assuming a 21% O_2 concentration, and;
   ii. Measure the total air flow rate, O_2 content and temperature of the main stack gases.
b. Convert both air flow rates to dry standard conditions.
c. Determine the volume of combustion gases generated from the kiln, coal-mill and bypass by subtracting the air flow from the clinker cooler from the total volume of stack gases.
d. Use the volume of the gases to determine the fraction of the total stack gases for each stream.

$$P_{cc} = (V_{cc}/V_{tsg}) \qquad P_{cg} = 1 - P_{cc}$$

where: P_{cc} = fraction of total stack gases attributed to the clinker cooler
V_{cc} = Volume of gases from clinker cooler (dscf)
V_{tsg} = volume of total stack gas (dscf)
P_{cg} = fraction of total stack gas attributed to the combustion emissions

e. Calculate the O_2 content of the combustion gas stream using the following equation

$$O2_{cg} = \frac{O2_{tsg} - (O2_{cc} \times P_{cc})}{P_{cg}}$$

where: $O2_{cg}$ = oxygen concentration of the combustion gases
$O2_{tsg}$ = measured oxygen concentration of total stack gases
$O2_{cc}$ = oxygen concentration of clinker cooler gases (assumed to be 21%)
P_{cc} = fraction of total stack gases attributed to the clinker cooler
P_{cg} = fraction of total stack gas attributed to the combustion emissions

f. The 0.0069 gr/dscf shall apply to the entire combined stream, but only the volume of combustion gases shall be corrected to 7% O_2. The maximum allowable particulate matter emissions in pounds per hour of the total stream shall be determined using the following equation

$0.0069 \text{ gr/dscf} \times (V_{cc} + V_{cg}) \times 1 \text{ lb}/7000 \text{ gr} \times 60 \text{ min/hr}$

where: V_{cc} = Volume of clinker cooler gas
V_{cg} = Volume of combustion gas corrected to 7% O_2

55. The permittee shall not exceed the emission rates set forth in the following table. Compliance with the VOC and CO emission rates shall be demonstrated through use of the CEMS required under Specific Condition 56. The permittee shall organize the data to reflect the averaging times listed below. [Regulation 19, §19.901 and 40 CFR Part 52, Subpart E]

Pollutant	BACT Limit	Averaging Time
VOC	27.5 lb/hr	30-day rolling average
CO	2500 lb/hr	8-hr average

56. These sources are considered affected sources under 40 CFR Part 63, Subpart EEE, and are subject, but not limited to the conditions listed in Appendix I. [Regulation 19, §19.304 and 40 CFR Part 63, Subpart EEE]

57. The requirements of 40 CFR 63, Subpart LLL for in-line kiln/raw mill are not applicable to the in-line kiln/raw mill at the Foreman cement plant. The plant shall operate in compliance with the requirements of 40 CFR 63, Subpart EEE, as found in Appendix I, at all times, whether hazardous waste is being combusted or not. Only in the event that Ash Grove permanently ceases combustion of hazardous waste in the kiln system, and undergoes and completes RCRA closure requirements and otherwise completes all obligations to terminate coverage of 40 CFR Part 63, Subpart EEE, will the

in-line kiln/raw shall become subject to the applicable requirements of 40 CFR Part 63, Subpart LLL. [Regulation 19, §19.304 and 40 CFR Part 63, Subpart EEE §1206(b)(1)]

58. The permittee shall conduct testing to determine the emission rate of condensable particulate matter at SN-443.SK10. This testing shall be conducted in accordance with EPA Method 202 or a Department approved alternative. If necessary, the permittee shall modify this permit to include a condensable particulate emission rate. The initial testing shall be performed at the same time as the CPT required by 40 CFR Part 63, Subpart EEE. This testing shall be performed a minimum of once every five years. A copy of these test results shall be submitted in accordance with General Provision 7. [Regulation 18, §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-710.EG10
Emergency Generator

Source Description

This is a diesel fired generator that is only allowed to operate 500 hours per year.

Specific Conditions

59. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 61. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.4	0.1
SO_2	2.0	0.5
VOC	0.4	0.1
CO	2.7	0.7
NO_x	7.5	1.9

60. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 61. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.4	0.1

61. The permittee shall not operate this source in excess of 500 hours per consecutive twelve month period. The permittee shall maintain records of the hours of operation of this source. These records shall be updated as necessary. These records shall be maintained on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [Regulation 18, §18.1004, Regulation 19, §19.705, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

62. This source is considered an affected source under 40 CFR Part 60, Subpart IIII, and is subject, but not limited to, the requirements found in the following table. [Regulation 19, §19.304 and 40 CFR Part 60, Subpart IIII]

40 CFR Part 60, Subpart IIII	
40 CFR 60, §60.4200(a)	(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.
40 CFR 60, §60.4200(a)(1)	(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:
40 CFR 60, §60.4200(a)(1)(i)	(i) 2007 or later, for engines that are not fire pump engines,
40 CFR 60, §60.4202(a)	(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.
40 CFR 60, §60.4202(a)(2)	(2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.
40 CFR 60, §60.4202(c)	(c) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.
40 CFR 60, §60.4205(b)	(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in § 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.
40 CFR 60, §60.4206	Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in § 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.
40 CFR 60, §60.4207(a)	(a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

40 CFR 60, §60.4207(b)	(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.
40 CFR 60, §60.4208(a)	(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.
40 CFR 60, §60.4208(e)	(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year non-emergency engines.
40 CFR 60, §60.4208(g)	(g) In addition to the requirements specified in § 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.
40 CFR 60, §60.4209(a)	(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.
40 CFR 60, §60.4209(b)	(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in § 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.
40 CFR 60, §60.4211(a)	(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.
40 CFR 60, §60.4211(c)	(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in § 60.4204(b) or § 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in § 60.4205(c), you must comply by purchasing an engine certified to the emission standards in § 60.4204(b), or § 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

40 CFR 60, §60.4211(d)	(d) If you are an owner or operator and must comply with the emission standards specified in § 60.4204(c) or § 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.
40 CFR 60, §60.4211(d)(1)	(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in § 60.4213.
40 CFR 60, §60.4211(d)(2)	(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.
40 CFR 60, §60.4211(d)(2)(i)	(i) Identification of the specific parameters you propose to monitor continuously;
40 CFR 60, §60.4211(d)(2)(ii)	(ii) A discussion of the relationship between these parameters and NO_X and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NO_X and PM emissions;
40 CFR 60, §60.4211(d)(2)(iii)	(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;
40 CFR 60, §60.4211(d)(2)(iv)	(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and
40 CFR 60, §60.4211(d)(2)(v)	(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.
40 CFR 60, §60.4211(e)	(e) Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under § 60.4205 but not § 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.
40 CFR 60, §60.4212(a)	(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

40 CFR 60, §60.4212(b)	(b) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.
40 CFR 60, §60.4212(c)	(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation: NTE requirement for each pollutant = (1.25) × (STD) Where: STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable. Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in § 60.4213 of this subpart, as appropriate.
40 CFR 60, §60.4213(a)	(a) Each performance test must be conducted according to the requirements in § 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.
40 CFR 60, §60.4213(b)	(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c).
40 CFR 60, §60.4213(c)	(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must last at least 1 hour.
40 CFR 60, §60.4213(d)	(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.
40 CFR 60, §60.4213(d)(1)	(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement: $(C_i - Co)/C_i \times 100 = R$ Where: C_i = concentration of NO_X or PM at the control device inlet, C_o = concentration of NO_X or PM at the control device outlet, and R = percent reduction of NO_X or PM emissions.

40 CFR 60, §60.4213(d)(2)	(2) You must normalize the NO_X or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O_2) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO_2) using the procedures described in paragraph (d)(3) of this section. $C_{adj} = C_d$ x 5.9/(20.9-%O2) Where: C_{adj} = Calculated NO_X or PM concentration adjusted to 15 percent O_2. C_d = Measured concentration of NO_X or PM, uncorrected. 5.9 = 20.9 percent O_2-15 percent O_2, the defined O_2 correction value, percent. $\%O_2$ = Measured O_2 concentration, dry basis, percent.
40 CFR 60, §60.4213(d)(3)	(3) If pollutant concentrations are to be corrected to 15 percent O_2 and CO_2 concentration is measured in lieu of O_2 concentration measurement, a CO_2 correction factor is needed. Calculate the CO_2 correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.
40 CFR 60, §60.4213(d)(3)(i)	(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation: $Fo = 0.209_{Fd} / F_c$ Where: F_o = Fuel factor based on the ratio of O_2 volume to the ultimate CO_2 volume produced by the fuel at zero percent excess air. 0.209 = Fraction of air that is O_2, percent/100. F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, $dsm^3(dscf/10^6u)$. F_c = Ratio of the volume of CO_2 produced to the gross calorific value of the fuel from Method 19, $dsm^3(dscf/10^6u)$.
40 CFR 60, §60.4213(d)(3)(ii)	(ii) Calculate the CO_2 correction factor for correcting measurement data to 15 percent O_2, as follows: $X_{CO2} = 5.9/F_o$ Where: X_{CO2} = CO_2 correction factor, percent. 5.9 = 20.9 percent O_2-15 percent O_2, the defined O_2 correction value, percent.
40 CFR 60, §60.4213(d)(3)(iii)	(iii) Calculate the NO_X and PM gas concentrations adjusted to 15 percent O_2 using CO_2 as follows: $C_{adj} = C_d$ x ($X_{CO2}/\%CO_2$) Where: C_{adj} = Calculated NO_X or PM concentration adjusted to 15 percent O_2. C_d = Measured concentration of NO_X or PM, uncorrected. $\%CO_2$ = Measured CO_2 concentration, dry basis, percent.

40 CFR 60, §60.4213(e)	(e) To determine compliance with the NO_X mass per unit output emission limitation, convert the concentration of NO_X in the engine exhaust using Equation 7 of this section: $ER = (C_d \times 1.912 \times 10^{-3} \times Q \times T)/KW\text{-hour}$ Where: ER = Emission rate in grams per KW-hour. C_d = Measured NO_X concentration in ppm. 1.912×10^{-3} Conversion constant for ppm NO_X to grams per standard cubic meter at 25 degrees Celsius. Q = Stack gas volumetric flow rate, in standard cubic meter per hour. T = Time of test run, in hours. KW-hour = Brake work of the engine, in KW-hour.
40 CFR 60, §60.4213(f)	(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section: $ER = (C_{adj} \times Q \times T)/KW\text{-hour}$ Where: ER = Emission rate in grams per KW-hour. C_{adj} = Calculated PM concentration in grams per standard cubic meter. Q = Stack gas volumetric flow rate, in standard cubic meter per hour. T = Time of test run, in hours. KW-hour = Energy output of the engine, in KW.
40 CFR 60, §60.4214(b)	(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.
40 CFR 60, §60.4214(c)	(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

Haul Roads

Source Description

These roads are used to move raw materials and product throughout the plant.

Specific Conditions

63. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 65. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
111.R1A-F	Quarry Haul Road	PM_{10}	6.9	6.9
ADDS	Additive Deliveries	PM_{10}	0.1	0.1
BWDF	BWDF Deliveries to Preheater Area	PM_{10}	0.1	0.2
CACL	CaCl Deliveries to Preheater Area	PM_{10}	0.1	0.1
CACLALT	CaCl Deliveries to Preheater Area Alternate Route	PM_{10}	0.1	0.1
CEM	Current Cement Loadout Road	PM_{10}	0.2	0.2
CEM20	Current Cement Loadout Road Truck/Rail Loadout	PM_{10}	0.1	0.1
CEM80	Current Cement Loadout Road Truck Loadout	PM_{10}	0.1	0.1
CKD	CKD from Pug Mill to Landfill	PM_{10}	0.1	0.1
CKDS	CKD from Pug Mill to Highway	PM_{10}	0.2	0.1
CLKD	Clinker Delivery to Railcar Unloading	PM_{10}	0.2	0.1
CLKR	Clinker from Railcar Unloading to Dome	PM_{10}	0.3	0.1
COAL	Coal Delivery by Truck	PM_{10}	0.1	0.1
COAL2WY	Coal Delivery by Truck 2-way Traffic	PM_{10}	0.4	0.4
COAL2WYALT	Coal Delivery by Truck 2-way Traffic	PM_{10}	0.4	0.5

COALALT	Coal Delivery by Truck	PM_{10}	0.1	0.1
DRYLIME	Dry Lime Delivery to Preheater Area	PM_{10}	0.1	0.1
DRYLIMEALT	Dry Lime Delivery to Preheater Area Alternate Route	PM_{10}	0.1	0.1
GYP	Gypsum Delivery by Truck	PM_{10}	0.2	0.1
GYP2WY	Gypsum Delivery by Truck 2-way Traffic	PM_{10}	0.7	0.3
GYP2WYALT	Gypsum Delivery by Truck	PM_{10}	0.8	0.4
GYPALT	Gypsum Delivery by Truck 2-way Traffic	PM_{10}	0.2	0.1
NCEM	2007 Cement Loadout Road	PM_{10}	0.7	2.1
RM	Raw Materials to Building	PM_{10}	0.2	0.2
RM2WY	Raw Materials to Building 2-way Traffic	PM_{10}	0.5	0.3
RM2WYALT	Raw Materials to Building Alternate Route	PM_{10}	0.7	0.4
RMALT	Raw Materials to Building 2-way Traffic Alternate Route	PM_{10}	0.2	0.2
SLWDFTIRES	SWDF, LWDF and Tires Delivery	PM_{10}	0.3	1.1

64. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition through compliance with Specific Condition 65. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Description	Pollutant	lb/hr	tpy
111.R1A-F	Quarry Haul Road	PM	6.9	6.9
ADDS	Additive Deliveries	PM	0.1	0.1
BWDF	BWDF Deliveries to Preheater Area	PM	0.1	0.2
CACL	CaCl Deliveries to Preheater Area	PM	0.1	0.1
CACLALT	CaCl Deliveries to Preheater Area Alternate	PM	0.1	0.1

	Route			
CEM	Current Cement Loadout Road	PM	0.2	0.2
CEM20	Current Cement Loadout Road Truck/Rail Loadout	PM	0.1	0.1
CEM80	Current Cement Loadout Road Truck Loadout	PM	0.1	0.1
CKD	CKD from Pug Mill to Landfill	PM	0.1	0.1
CKDS	CKD from Pug Mill to Highway	PM	0.2	0.1
CLKD	Clinker Delivery to Railcar Unloading	PM	0.2	0.1
CLKR	Clinker from Railcar Unloading to Dome	PM	0.3	0.1
COAL	Coal Delivery by Truck	PM	0.1	0.1
COAL2WY	Coal Delivery by Truck 2-way Traffic	PM	0.4	0.4
COAL2WYALT	Coal Delivery by Truck 2-way Traffic	PM	0.4	0.5
COALALT	Coal Delivery by Truck	PM	0.1	0.1
DRYLIME	Dry Lime Delivery to Preheater Area	PM	0.1	0.1
DRYLIMEALT	Dry Lime Delivery to Preheater Area Alternate Route	PM	0.1	0.1
GYP	Gypsum Delivery by Truck	PM	0.2	0.1
GYP2WY	Gypsum Delivery by Truck 2-way Traffic	PM	0.7	0.3
GYP2WYALT	Gypsum Delivery by Truck	PM	0.8	0.4
GYPALT	Gypsum Delivery by Truck 2-way Traffic	PM	0.2	0.1
NCEM	2007 Cement Loadout Road	PM	0.7	2.1
RM	Raw Materials to Building	PM	0.2	0.2
RM2WY	Raw Materials to Building 2-way Traffic	PM	0.5	0.3
RM2WYALT	Raw Materials to Building Alternate Route	PM	0.7	0.4

RMALT	Raw Materials to Building 2-way Traffic Alternate Route	PM	0.2	0.2
SLWDFTIRES	SWDF, LWDF and Tires Delivery	PM	0.3	1.1

65. The permittee shall clean or treat haul roads in accordance with a haul road maintenance plan as found in Appendix H of this permit. This plan shall be designed to minimize emissions from this source. A copy of this plan shall be kept on site and made available to Department personnel upon request. [Regulation 18, §18.1004, Regulation 19, §19.705, 40 CFR 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SECTION V: COMPLIANCE PLAN AND SCHEDULE

Ash Grove Cement Company will continue to operate in compliance with those identified regulatory provisions. The facility will examine and analyze future regulations that may apply and determine their applicability with any necessary action taken on a timely basis.

Due to the significant power demands associated with cement kiln operations, the existing kilns and new pyroprocess system cannot operate at the same time. Prior to the new pyroprocess startup, all three existing kilns will be shut down. However, in the event that the new pyroprocess experiences significant problems during startup, the facility desires a transition period of one year during which either the existing kilns or the new kiln can be operated.

Prior to the startup of the new pyroprocess system, the facility will need to test various pieces of support equipment, including material handling conveyors, fans, motors, etc. The new finish mill may also be started up for troubleshooting if there is adequate power to do so. The majority of these tests will not result in pollutant emissions. Those that do generate emissions will be of short duration and only as necessary to assure support equipment readiness when the new pyroprocess begins operation. The facility has given a start-up date of July 31, 2009 for the pyroprocess system.

SECTION VI: PLANTWIDE CONDITIONS

1. The permittee shall notify the Director in writing within thirty (30) days after commencing construction, completing construction, first placing the equipment and/or facility in operation, and reaching the equipment and/or facility target production rate. [Regulation 19, §19.704, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

2. If the permittee fails to start construction within eighteen months or suspends construction for eighteen months or more, the Director may cancel all or part of this permit. [Regulation 19, §19.410(B) and 40 CFR Part 52, Subpart E]

3. The permittee must test any equipment scheduled for testing, unless stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) new equipment or newly modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) operating equipment according to the time frames set forth by the Department or within 180 days of permit issuance if no date is specified, the CPT for the new pyroprocessing system as required by 40 CFR Part 63, Subpart EEE must be conducted within one year of startup. The permittee must notify the Department of the scheduled date of compliance testing at least fifteen (15) days in advance of such test. The permittee shall submit the compliance test results to the Department within thirty (30) days after completing the testing. [Regulation 19, §19.702 and/or Regulation 18 §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

4. The permittee must provide: [Regulation 19, §19.702 and/or Regulation 18, §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

    a. Sampling ports adequate for applicable test methods;
    b. Safe sampling platforms;
    c. Safe access to sampling platforms; and
    d. Utilities for sampling and testing equipment.

5. The permittee must operate the equipment, control apparatus and emission monitoring equipment within the design limitations. The permittee shall maintain the equipment in good condition at all times. [Regulation 19, §19.303 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

6. This permit subsumes and incorporates all previously issued air permits for this facility. [Regulation 26 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

7. The facility shall develop and implement a written startup, shutdown, and malfunction plan for sources subject to 40 CFR 63, Subpart EEE, *National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors*. The plan shall include

those items listed in 40 CFR 63.6(e)(3) et seq. The plan shall be maintained on site and be available to Department personnel upon request. [§19.304 and 40 CFR 63.6(e)(3)(i)]

8. The facility shall develop and implement a written startup, shutdown, and malfunction plan for sources subject to 40 CFR 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry*. The plan shall include those items listed in 40 CFR 63.6(e)(3) et seq. The plan shall be maintained on site and be available to Department personnel upon request. [§19.304 and 40 CFR 63.6(e)(3)(i)]

9. The permittee shall not produce more than 5,300 tons of clinker per day. The permittee shall maintain records of the amount of clinker produced on a daily basis. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [Regulation 19, §19.705, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

10. On or before July 31, 2010, the permittee shall cease operation under the Three Kiln Configuration Operating Scenario and operate only those sources listed under the Pyroprocessing Operating Scenario of this permit. The permittee may test pieces of new equipment prior to this date provided that the permitted emission rates are not exceeded. Operation of sources not listed under the Pyroprocessing Operating Scenario after this date shall be considered a violation of this permit. [A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Title VI Provisions

11. The permittee must comply with the standards for labeling of products using ozone-depleting substances. [40 CFR Part 82, Subpart E]

    a. All containers containing a class I or class II substance stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced to interstate commerce pursuant to §82.106.
    b. The placement of the required warning statement must comply with the requirements pursuant to §82.108.
    c. The form of the label bearing the required warning must comply with the requirements pursuant to §82.110.
    d. No person may modify, remove, or interfere with the required warning statement except as described in §82.112.

12. The permittee must comply with the standards for recycling and emissions reduction, except as provided for MVACs in Subpart B. [40 CFR Part 82, Subpart F]

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
c. Persons performing maintenance, service repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
d. Persons disposing of small appliances, MVACs, and MVAC like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC like appliance" as defined at §82.152)
e. Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to §82.156.
f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

13. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.

14. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC 22 refrigerant.

15. The permittee can switch from any ozone depleting substance to any alternative listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G.

Permit Shield

16. Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements, as of the date of permit issuance, included in and specifically identified in the following table of this condition. The permit specifically identifies the following as applicable requirements based upon the information submitted by the permittee in an application dated August 31, 2006 and as amended November 22, 2006.

Applicable Regulations

Source No.	Regulation	Description
Plantwide	Arkansas Regulation 18	Arkansas Air Pollution Control Code
Plantwide	Arkansas Regulation 19	Compilation of Regulations of the Arkansas State Implementation Plan for Air Pollution Control
Plantwide	Arkansas Regulation 26	Regulations of the Arkansas Operating Air Permit Program
Plantwide	40 CFR Part 52.21	Regulations for the prevention of Significant Deterioration of Air Quality
41F.FT10 41F.FT11 40F.FT3 40F.FT4 40F.FT5 40F.FT6 40F.FT7 40F.FT8 40F.FT9 40F.FTA	40 CFR 60, Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984
443.BF10 443.BF30 443.SK10	40 CFR 63, Subpart EEE	Emission Standards for Hazardous Waste Combustors
41A.T10 44A.T10, 403.CHM 403.CHR, 403.CHU 403.T1, 403.T2 449.HP2, 449.T1 449.T2, 449.T3 449.T4, 533.LS10 502.CH3, 502.T1 502.T2, 514.BF1 514.BF2, 514.BF3 514.BF5, 524.BF1 524.BF2, 611.BF1 611.BF10, 611.BF2 611.BF20, 611.BF30 611.BF40, 403.BF3 403.BF4, 403.BF6 403.BF7, 403.BF8 612.BF1 612.BF2, 612.BF3 612.BF4, 612.BF5 612.BF6, 621.BF1	40 CFR 63, Subpart LLL	Emission Standards for Portland Cement Plants

Source No.	Regulation	Description
621.BF2, 621.BF3 621.BF5, 449.BF20 449.BF30, 449.BF40 440.BF46, 449.BF50 511.BF1, 521.BF1 521.BF2, 523.BF2 531.BF10, 531.BF20 533.BF10, 44B.BF30, 502.BF1 502.BF2, 449.BF10 327.BF30, 441.BF10 442.BF10		
41F.BF10 41F.FT10 41F.FT11 41F.TK10 41F.TX10 40F.FT3 40F.FT4 40F.FT5 40F.FT6 40F.FT7 40F.FT8 40F.FT9 40F.FTA 40F.TX1	40 CFR 61, Subpart FF	National Emission Standards for Benzene Waste Operations
41A.BF10 41A.BF20 41A.T2 41A.T10 44A.T10 44A.BF10 44B.BF10	40 CFR 60, Subpart Y	Standards of Performance for Coal Preparation Plants
41A.BF10 41A.BF20 44A.BF10 213.BF10 213.BF20 213.BF30 213.BF40 221.BF10 323.BF10	40 CFR 60, Subpart OOO	Standards of Performance for Nonmetallic Mineral Processing Plants

Source No.	Regulation	Description
325.BF10 325.BF20 325.BF30 41A.T1 111.T10 111.T12 213.T1 221.CH01 221.RMB1 221.T1 321.CH01 323.T1		
41F.BF10 41F.FT10 41F.FT11 41F.TK10 41F.TX10 40F.FT3 40F.FT4 40F.FT5 40F.FT6 40F.FT7 40F.FT8 40F.FT9 40F.FTA 40F.TX1 RCC	40 CFR 61, Subpart DD	National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations
710-EG10	40 CFR Part 60, Subpart IIII	New Source performance Standards for Stationary Compression Ignition Internal Combustion Engines

The permit specifically identifies the following as inapplicable based upon information submitted by the permittee in an application dated August 31, 2006 and as amended November 22, 2006.

Inapplicable Regulations

Source No.	Regulation	Description
Plantwide	40 CFR 60, Subpart F	Standards of Performance for Portland Cement Plants

SECTION VII: INSIGNIFICANT ACTIVITIES

The following sources are insignificant activities. Any activity that has a state or federal applicable requirement shall be considered a significant activity even if this activity meets the criteria of §26.304 of Regulation 26 or listed in the table below. Insignificant activity determinations rely upon the information submitted by the permittee in an application dated September 1, 2006.

Description	Category
Piles Associated with Clean-up	A, 13
10,000 gallon oil tank	A,13
12,000 gallon oil tank	A, 13
10,000 gallon diesel UST	A, 3
10,000 gallon unleaded UST	A, 13
600 gallon tank	A, 3
250 gallon grinding aid tanks	A, 2
30,000 gallon grinding aid tank	A, 2
Masonry Air Entraining Agent Tank 10,000 gallon	A, 3
10,000 gallon diesel UST	A, 3
10,000 gallon diesel UST	A, 3
1,000 gallon UST	A, 3
(4) 550 gallon UST	A, 3
(2) 350 gallon used oil tanks	A, 3

SECTION VIII: GENERAL PROVISIONS

1. Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 et seq.) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Regulation 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 et seq.). Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 et seq.) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute. [40 CFR 70.6(b)(2)]

2. This permit shall be valid for a period of five (5) years beginning on the date this permit becomes effective and ending five (5) years later. [40 CFR 70.6(a)(2) and §26.701(B) of the Regulations of the Arkansas Operating Air Permit Program (Regulation 26), effective September 26, 2002]

3. The permittee must submit a complete application for permit renewal at least six (6) months before permit expiration. Permit expiration terminates the permittee's right to operate unless the permittee submitted a complete renewal application at least six (6) months before permit expiration. If the permittee submits a complete application, the existing permit will remain in effect until the Department takes final action on the renewal application. The Department will not necessarily notify the permittee when the permit renewal application is due. [Regulation 26, §26.406]

4. Where an applicable requirement of the Clean Air Act, as amended, 42 U.S.C. 7401, et seq. (Act) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, the permit incorporates both provisions into the permit, and the Director or the Administrator can enforce both provisions. [40 CFR 70.6(a)(1)(ii) and Regulation 26, §26.701(A)(2)]

5. The permittee must maintain the following records of monitoring information as required by this permit. [40 CFR 70.6(a)(3)(ii)(A) and Regulation 26, §26.701(C)(2)]

    a. The date, place as defined in this permit, and time of sampling or measurements;
    b. The date(s) analyses performed;
    c. The company or entity performing the analyses;
    d. The analytical techniques or methods used;
    e. The results of such analyses; and
    f. The operating conditions existing at the time of sampling or measurement.

6. The permittee must retain the records of all required monitoring data and support information for at least five (5) years from the date of the monitoring sample,

measurement, report, or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [40 CFR 70.6(a)(3)(ii)(B) and Regulation 26, §26.701(C)(2)(b)]

7. The permittee must submit reports of all required monitoring every six (6) months. If permit establishes no other reporting period, the reporting period shall end on the last day of the anniversary month of the initial Title V permit. The report is due within thirty (30) days of the end of the reporting period. Although the reports are due every six months, each report shall contain a full year of data. The report must clearly identify all instances of deviations from permit requirements. A responsible official as defined in Regulation No. 26, §26.2 must certify all required reports. The permittee will send the reports to the address below: [40 C.F.R. 70.6(a)(3)(iii)(A) and Regulation 26, §26.701(C)(3)(a)]

Arkansas Department of Environmental Quality
Air Division
ATTN: Compliance Inspector Supervisor
Post Office Box 8913
Little Rock, AR 72219

8. The permittee shall report to the Department all deviations from permit requirements, including those attributable to upset conditions as defined in the permit.

a. For all upset conditions (as defined in Regulation19, § 19.601), the permittee will make an initial report to the Department by the next business day after the discovery of the occurrence. The initial report may be made by telephone and shall include:

i. The facility name and location
ii. The process unit or emission source deviating from the permit limit,
iii. The permit limit, including the identification of pollutants, from which deviation occurs,
iv. The date and time the deviation started,
v. The duration of the deviation,
vi. The average emissions during the deviation,
vii. The probable cause of such deviations,
viii. Any corrective actions or preventive measures taken or being taken to prevent such deviations in the future, and
ix. The name of the person submitting the report.

The permittee shall make a full report in writing to the Department within five (5) business days of discovery of the occurrence. The report must include, in addition to the information required by the initial report, a schedule of actions taken or planned to eliminate future occurrences and/or to minimize the amount the permit's limits were exceeded and to reduce the length of time the limits were exceeded. The

permittee may submit a full report in writing (by facsimile, overnight courier, or other means) by the next business day after discovery of the occurrence, and the report will serve as both the initial report and full report.

b. For all deviations, the permittee shall report such events in semi-annual reporting and annual certifications required in this permit. This includes all upset conditions reported in 8a above. The semi-annual report must include all the information as required by the initial and full reports required in 8a.

[Regulation 19, §19.601 and §19.602, Regulation 26, §26.701(C)(3)(b), and 40 CFR 70.6(a)(3)(iii)(B)]

9. If any provision of the permit or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, provisions of this Regulation are declared to be separable and severable. [40 CFR 70.6(a)(5), Regulation 26, §26.701(E), and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

10. The permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with applicable requirements as defined in Regulation 26 constitutes a violation of the Clean Air Act, as amended, 42 U.S.C. §7401, et seq. and is grounds for enforcement action; for permit termination, revocation and reissuance, for permit modification; or for denial of a permit renewal application. [40 CFR 70.6(a)(6)(i) and Regulation 26, §26.701(F)(1)]

11. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit. [40 CFR 70.6(a)(6)(ii) and Regulation 26, §26.701(F)(2)]

12. The Department may modify, revoke, reopen and reissue the permit or terminate the permit for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 CFR 70.6(a)(6)(iii) and Regulation 26, §26.701(F)(3)]

13. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 CFR 70.6(a)(6)(iv) and Regulation 26, §26.701(F)(4)]

14. The permittee must furnish to the Director, within the time specified by the Director, any information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee must also furnish to the Director copies of records required by the permit. For information the permittee claims confidentiality, the Department may require the permittee to furnish such records directly to the Director

along with a claim of confidentiality. [40 CFR 70.6(a)(6)(v) and Regulation 26, §26.701(F)(5)]

15. The permittee must pay all permit fees in accordance with the procedures established in Regulation 9. [40 CFR 70.6(a)(7) and Regulation 26, §26.701(G)]

16. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes provided for elsewhere in this permit. [40 CFR 70.6(a)(8) and Regulation 26, §26.701(H)]

17. If the permit allows different operating scenarios, the permittee shall, contemporaneously with making a change from one operating scenario to another, record in a log at the permitted facility a record of the operational scenario. [40 CFR 70.6(a)(9)(i) and Regulation 26, §26.701(I)(1)]

18. The Administrator and citizens may enforce under the Act all terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, unless the Department specifically designates terms and conditions of the permit as being federally unenforceable under the Act or under any of its applicable requirements. [40 CFR 70.6(b) and Regulation 26, §26.702(A) and (B)]

19. Any document (including reports) required by this permit must contain a certification by a responsible official as defined in Regulation 26, §26.2. [40 CFR 70.6(c)(1) and Regulation 26, §26.703(A)]

20. The permittee must allow an authorized representative of the Department, upon presentation of credentials, to perform the following: [40 CFR 70.6(c)(2) and Regulation 26, §26.703(B)]

    a. Enter upon the permittee's premises where the permitted source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
    b. Have access to and copy, at reasonable times, any records required under the conditions of this permit;
    c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
    d. As authorized by the Act, sample or monitor at reasonable times substances or parameters for assuring compliance with this permit or applicable requirements.

21. The permittee shall submit a compliance certification with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. The permittee must submit the compliance certification annually within 30 days following the last day of the anniversary month of the initial Title V permit. The permittee must also

submit the compliance certification to the Administrator as well as to the Department. All compliance certifications required by this permit must include the following: [40 CFR 70.6(c)(5) and Regulation 26, §26.703(E)(3)]

a. The identification of each term or condition of the permit that is the basis of the certification;
b. The 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 reporting period established by the monitoring requirements of this permit;
e. and Such other facts as the Department may require elsewhere in this permit or by §114(a)(3) and §504(b) of the Act.

22. Nothing in this permit shall alter or affect the following: [Regulation 26, §26.704(C)]

a. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
b. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;
c. The applicable requirements of the acid rain program, consistent with §408(a) of the Act; or
d. The ability of EPA to obtain information from a source pursuant to §114 of the Act.

23. This permit authorizes only those pollutant emitting activities addressed in this permit. [A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Three Kiln Configuration Operating Scenario

SECTION I: FACILITY INFORMATION

PERMITTEE:	Ash Grove Cement Company
AFIN:	41-00001
PERMIT NUMBER:	75-AOP-R8
FACILITY ADDRESS:	4457 Highway 108 Foreman, AR 71836
MAILING ADDRESS:	4457 Highway 108 Foreman, Arkansas 71836
COUNTY:	Little River
CONTACT POSITION:	Dan Peterson, Plant Manager
TELEPHONE NUMBER:	(870) 542-6217
REVIEWING ENGINEER:	Wesley Crouch
UTM North South (Y):	Zone 15: 3728.9
UTM East West (X):	Zone 15: 368.35

SECTION II: INTRODUCTION

Summary of Permit Activity

Ash Grove Cement Company (AFIN: 41-00001) operates a portland cement plant located at 4457 Hwy 108 West in Foreman, Arkansas 71836. This minor modification affects only the three kiln operating scenario. This modification will allow Ash Grove to replace an existing conveyor belt and apron feeders. Also, this modification allows the removal of sources C-14, 15, 16, 17, 18, 36 and 37. This will result in permitted emissions reductions of 16.3 tpy PM and 6.4 tpy PM_{10}.

Process Description

For informational purposes only, this section does not contain enforceable conditions.

Ash Grove Cement Company operates a portland cement plant near Foreman, Arkansas. The manufacture of portland cement at this facility is a five step process.

1. Acquisition of raw materials from nearby quarrying and crushing and from off-site sources.
2. Preparation of the raw materials for pyroprocessing by grinding with water into a slurry.
3. Pyroprocessing of the slurried raw materials into portland cement clinker.
4. Grinding of a mixture of clinker and gypsum into various portland cement products.
5. Cement storage and shipment of finished cement.

Raw materials consist of chalk, sand, and iron ore. Chalk is received by belt conveyor from the plant quarry and stock-piled in an A-framed structure. Sand and iron ore are received from off site and stored in separate outdoor piles. The chalk, sand, and iron ore are crushed and then transported to the mill building by a conveyor belt.

Within the mill building, the chalk, sand, and iron ore are stored in separate bins. These raw materials are proportioned, mixed with water in a ball mill and ground into a slurry. The slurry is pumped and metered into three rotary cement kilns in which chemical reactions occur to form clinker, an intermediate product that ultimately becomes portland cement.

From time-to-time, spent kiln brick removed from the rotary kilns is used to replace a portion of the raw materials fed to kiln #3. The spent brick is crushed in a portable crusher before being transferred to the mill building with other raw materials.

The raw material slurry is fed to the rotary kiln pyroprocessing system. The kilns are slowly-rotating steel tubes lined with various refractory materials (e.g. kiln brick). Each kiln slopes at an angle of about 5 degrees. The raw material slurry is fed to the kiln at the upper, or feed, end. Fuel generally is introduced at the lower, or burning, end of the kiln. The slope and rotation of the kiln allows the slurry to flow by gravity through the various reaction zones within the kiln.

Combustion gases and the slurry flow countercurrent to each other. Each kiln is equipped with an electrostatic precipitator to control particulate emissions.

Within the rotary kilns, the chemical constituents of the raw materials react with each other and are fused into nodules of portland cement clinker at a material temperature of about 2700 °F. The clinker exits at the burning end of the kiln and falls into clinker coolers in which the clinker is air cooled. A portion of this air is used for combustion air in the kilns. The balance of the air is vented to the atmosphere through a fabric filter.

After cooling, the clinker is transported by a series of conveyors to clinker storage silos. The clinker can also be transported by conveyor to an enclosed storage dome or by truck to an outside storage pile.

Clinker taken from storage is sent to finish milling. During finish milling, clinker is ground with gypsum and/or other additives to produce portland cement and masonry cement. Gypsum is delivered to the plant from off site sources and stored in an outdoor pile adjacent to the raw material storage areas. Gypsum is withdrawn from the pile by an underpile feeder which is located in a tunnel. The gypsum is transported to mill feed bins in the mill building. Chalk for masonry cement is dried in a rotary drier equipped with a wet scrubber control device.

Cement is pneumatically conveyed from the finish mills to several storage silos. From these silos, the cement is loaded into rail cars and trucks or packed into bags for shipment.

The fuel sources used to produce clinker at the Foreman plant include fossil fuels, including coal and natural gas, tire-derived fuel (TDF), hazardous waste-derived fuel (HWDF), and used oils from on and off site sources. These fuels are used in varying combinations and in varying percentages of the total fuel input.

Fuels are fed to the clinker discharge end of the kiln through a multichannel burner pipe. Containerized solid hazardous waste-derived fuel (SWDF) and TDF are fed directly into the calcining zone within the kilns. This location generally is midway between the feed end and burning end of the kiln.

The primary fossil fuel used to fire the kilns is coal. Coal is received from off-site sources and is stored in an outdoor storage pile.

TDF is received at the plant from off site sources. Tires may be fed to the kilns by hand or using automated equipment.

LWDF is received in rail tank cars and in tank trucks and stored in above ground storage tanks before being transferred to the kilns. Currently, Ash Grove operates three above ground LWDF storage tanks. In the near future, Ash Grove will operate seven above ground LWDF storage tanks. To control VOC emissions, the LWDF storage tanks are vented to a thermal oxidizer with a back up carbon adsorption system.

Containerized SWDF is received in van trailers and flat bed trailer trucks. Each individual container of SWDF is mechanically fed at the mid-kiln location.

Regulations

The following table contains the regulations applicable to this permit.

Regulations
Arkansas Air Pollution Control Code, Regulation 18, effective February 15, 1999
Regulations of the Arkansas Plan of Implementation for Air Pollution Control, Regulation 19, effective May 28, 2006
Regulations of the Arkansas Operating Air Permit Program, Regulation 26, effective September 26, 2002
40 CFR Part 60 Subpart F, *Standards of Performance for Portland Cement Plants,*
40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels(Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification commenced After July 23, 1984*
40 CFR Part 61, Subpart FF, *National Emission Standards for Benzene Waste Operations*
40 CFR Part 63, Subpart DD, *National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations*
40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*
40 CFR Part 63, Subpart EEE, *National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors*

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

Emission Summary (Three Kiln Scenario)

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
Total Allowable Emissions		PM	412.27	1096.55
		PM_{10}	134.27	556.85
		SO_2	2563.4	5736.1
		VOC	81.4	285.1
		CO	551.0	1214.9
		NO_X	3337.1	9097.0
HAPs*		1,1,1-trichloroethane*	0.03	0.05
		1,1,2,2-tetrachloroethane*	0.03	0.10
		1,1,2-trichloroethane*	0.03	0.11
		1,1-dichloroethane*	0.03	0.05
		1,1-dichloroethene*	0.33	1.40
		1,2,4-trichlorobenzene*	0.17	0.72
		1,2-dichloroethane*	1.69	7.42
		1,2-dichloropropene*	0.03	0.10
		1,2-epoxybutane*	0.09	0.32
		1,3-butadiene*	0.53	2.27
		1,4-dichlorobenzene*	0.39	1.63
		1,4-phenylene-diamine*	0.08	0.32
		2,4,5-trichlorophenol*	0.03	0.08
		2,4,6-trichlorophenol*	0.19	0.86
		2,4-dinitrophenol*	0.07	0.25
		2,4-dinitrotoluene*	0.014	0.03
		2-butanone*	0.62	2.69
		3,3-dichlorobenzidine*	0.03	0.09
		3,3-dimethoxybenzidine*	0.03	0.1
		4-methyl-2-pentanone*	0.03	0.21
		4-nitrophenol*	0.05	0.17
		acrylonitrile*	0.09	0.40
		allyl chloride*	0.53	2.34
		aniline*	0.02	0.06
		antimony	30.5	57.37
		arsenic	0.00566	0.02459
		benzene*	0.81	3.56
		benzidine*	0.05	0.2

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		beryllium	0.00063	0.002734
		bis(2-chloroethyl)ether*	0.03	0.08
		bis(2-ethylhexyl)phthalate*	0.748	3.28
		bromodichloromethane*	0.04	0.13
		bromoform*	0.03	0.12
		bromomethane*	0.78	3.43
		cadmium	0.06513	0.2843
		carbon disulfide	0.17	0.75
		carbon tetrachloride*	0.03	0.06
		chlorine	1.3432	5.8656
		chlorobenzene*	0.35	1.52
		chloroethane*	2.11	9.19
		chloroform*	0.24	1.07
		chloromethane*	2.19	9.55
		chromium	0.01559	0.0683
		cis-1,3-dichloropropene*	0.03	0.18
		cobalt‡	66.0	289.12
		cumene*	0.03	0.10
		diethanolamine*	1.1	4.6
		dimethylphthalate*	0.014	0.03
		ethyl acrylate*	0.35	1.5
		ethylbenzene*	0.21	0.87
		ethylene dibromide*	0.03	0.04
		ethylene glycol*	0.35	1.6
		hexachlorobenzene*	0.03	0.05
		hexachlorobutadiene*	0.03	0.09
		hexachlorocyclopentadiene*	0.03	0.08
		hexachloroethane*	0.03	0.1
		hydrogen chloride	171	749.0
		hydroquinone*	0.04	0.17
		iodomethane*	0.07	0.29
		lead	1.42	.9640
		manganese	0.1462	0.64
		mercury	0.2147	0.94
		methyl methacrylate*	0.03	0.15
		methylene chloride*	4.72	20.63
		naphthalene*	0.96	4.26
		n-hexane*	0.19	0.87
		nickel	66.0	289.12
		nitrobenzene*	0.03	0.11

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		N-nitrosoddiphenylamine*	0.016	0.03
		N-nitrosomorpholine*	0.03	0.13
		ortho-anisidine*	0.03	0.11
		ortho-toluidine*	0.018	0.05
		o-xylene*	0.36	1.56
		pentachlorophenol*	0.05	0.15
		phenol*	0.19	0.82
		selenium	0.0255	0.1118
		styrene*	0.07	0.26
		tert-butyl methyl ether*	0.03	0.05
		tetrachloroethene*	0.03	0.16
		toluene*	0.16	0.76
		trans-1,3-dichloropropene*	0.03	0.12
		trichloroethene*	0.13	0.59
		vinyl acetate*	0.03	0.06
		vinyl bromide*	0.13	0.61
		vinyl chloride*	0.89	3.83
		xylene*	1.45	3.83
Air Contaminants **		None		
P1	Kiln #1	PM	19.5	85.4
		PM_{10}	19.5	85.4
		SO_2	849.0	1960.0
		VOC	9.6	42.1
		CO	172.0	368.0
		NO_x	889.0	2400.0
		1,1,1-trichloroethane	0.01	0.02
		1,1,2,2-tetrachloroethane	0.01	0.03
		1,1,2-trichloroethane	0.01	0.04
		1,1-dichloroethane	0.01	0.02
		1,1-dichloroethene	0.16	0.69
		1,2,4-trichlorobenzene	0.08	0.35
		1,2-dichloroethane	0.01	0.05
		1,2-dichloropropane	0.01	0.04
		1,2-epoxybutane	0.01	0.01
		1,3-butadiene	0.02	0.07
		1,4-dichlorobenzene	0.19	0.81
		1,4-phenylene-diamine	0.01	0.03
		2,4,5-trichlorophenol	0.01	0.03
		2,4,6-trichlorophenol	0.01	0.05

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		2,4-dinitrophenol	0.03	0.11
		2,4-dinitrotoluene	0.002	0.01
		2-butanone	0.21	0.91
		3,3-dichlorobenzidine	0.01	0.04
		3,3-dimethoxybenzidine	0.01	0.04
		4-methyl-2-pentanone	0.01	0.09
		4-nitrophenol	0.02	0.07
		acrylonitrile	0.03	0.11
		allyl chloride	0.19	0.84
		aniline	0.005	0.02
		antimony	8.8	38.5
		arsenic	0.00258	0.0112
		benzene	0.22	0.95
		benzidine	0.02	0.07
		beryllium	0.00028	0.00123
		bis(2-chloroethyl)ether	0.01	0.03
		bis(2-ethylhexyl)phthalate	0.004	0.02
		bromodichloromethane	0.01	0.02
		bromoform	0.01	0.03
		bromomethane	0.26	1.15
		cadmium	0.0307	0.134
		carbon disulfide	0.08	0.37
		carbon tetrachloride	0.01	0.02
		chlorine	0.0016	0.0078
		chlorobenzene	0.17	0.73
		chloroethane	1.05	4.59
		chloroform	0.01	0.06
		chloromethane	0.12	0.51
		chromium	0.00578	0.0253
		cis-1,3-dichloropropene	0.02	0.08
		cobalt[‡]	19.5	85.41
		cumene	0.01	0.03
		dimethylphthalate	0.002	0.01
		ethyl acrylate	0.11	0.46
		ethyl benzene	0.1	0.41
		ethylene dibromide	0.01	0.01
		hexachlorobenzene	0.01	0.02
		hexachlorobutadiene	0.01	0.03
		hexachlorocyclopentadiene	0.01	0.03
		hexachloroethane	0.01	0.04

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		hydrogen chloride	50.0	219.0
		hydroquinone	0.01	0.05
		iodomethane	0.03	0.13
		lead	0.06	0.263
		manganese	0.043	0.188
		mercury	0.0694	0.304
		methyl methacrylate	0.01	0.05
		methylene chloride	2.24	9.8
		naphthalene	0.29	1.29
		n-hexane	0.06	0.27
		nickel[‡]	19.5	85.41
		nitrobezene	19.5	0.02
		N-nitrosoddiphenylamine	0.003	0.01
		n-nitrosomorpholine	0.01	0.04
		ortho-aniside	0.01	0.04
		ortho-toluidine	0.004	0.02
		o-xylene	0.08	0.35
		pentachlorophenol	0.02	0.07
		phenol	0.05	0.22
		selenium	0.0075	0.0329
		styrene	0.03	0.12
		tert-butyl methyl ether	0.01	0.02
		tetrachloroethene	0.02	0.07
		toluene	0.04	0.19
		trans-1,3-dichloropropene	0.01	0.05
		trichloroethene	0.06	0.28
		vinyl acetate	0.01	0.02
		vinyl bromide	0.01	0.06
		vinyl chloride	0.44	1.91
		m/p xylene	0.21	0.92
P2	Kiln #2	PM	19.5	85.4
		PM_{10}	19.5	85.4
		SO_2	753.0	1690.0
		VOC	9.6	42.1
		CO	152.0	333.0
		NO_x	882.0	2453.0
		1,1,1-trichloroethane	0.01	0.02
		1,1,2,2-tetrachloroethane	0.01	0.03
		1,1,2-trichloroethane	0.01	0.04
		1,1-dichloroethane	0.01	0.02

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		1,1-dichloroethene	0.16	0.69
		1,2,4-trichlorobenzene	0.08	0.35
		1,2-dichloroethane	0.01	0.05
		1,2-dichloropropane	0.01	0.04
		1,2-epoxybutane	0.01	0.01
		1,3-butadiene	0.02	0.07
		1,4-dichlorobenzene	0.19	0.81
		1,4-phenylene-diamine	0.01	0.03
		2,4,5-trichlorophenol	0.01	0.03
		2,4,6-trichlorophenol	0.01	0.05
		2,4-dinitrophenol	0.03	0.11
		2,4-dinitrotoluene	0.002	0.01
		2-butanone	0.21	0.91
		3,3-dichlorobenzidine	0.01	0.04
		3,3-dimethoxybenzidine	0.01	0.04
		4-methyl-2-pentanone	0.01	0.09
		4-nitrophenol	0.02	0.07
		acrylonitrile	0.03	0.11
		allyl chloride	0.19	0.84
		aniline	0.005	0.02
		antimony	8.80	38.5
		arsenic	0.00258	0.0112
		benzene	0.22	0.95
		benzidine	0.02	0.07
		beryllium	0.00028	0.00123
		bis(2-chloroethyl)ether	0.01	0.03
		bis(2-ethylhexyl)phthalate	0.004	0.02
		bromodichloromethane	0.01	0.02
		bromoform	0.01	0.03
		bromomethane	0.26	1.15
		cadmium	0.0307	0.134
		carbon disulfide	0.08	0.37
		carbon tetrachloride	0.01	0.02
		chlorine	0.0016	0.0078
		chlorobenzene	0.17	0.73
		chloroethane	1.05	4.59
		chloroform	0.01	0.06
		chloromethane	0.12	0.51
		chromium	0.00578	0.0253
		cis-1,3-dichloropropene	0.02	0.08

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		cobalt‡	19.5	85.41
		cumene	0.01	0.03
		dimethylphthalate	0.002	0.01
		ethyl acrylate	0.11	0.46
		ethyl benzene - listed twice	0.09	0.38
		ethyl benzene - listed twice	0.01	0.03
		ethylene dibromide	0.01	0.01
		hexachlorobenzene	0.01	0.02
		hexachlorobutadiene	0.01	0.03
		hexachlorocyclopentadiene	0.01	0.03
		hexachloroethane	0.01	0.04
		hydrogen chloride	50	219.0
		hydroquinone	0.01	0.05
		iodomethane	0.03	0.13
		lead	0.06	0.263
		manganese	0.043	0.188
		mercury	0.0694	0.304
		methyl methacrylate	0.01	0.05
		methylene chloride	2.24	9.8
		naphthalene	0.29	1.29
		n-hexane	0.06	0.27
		nickel‡	19.50	85.41
		nitrobezene	0.005	0.02
		N-nitrosoddiphenylamine	0.003	0.01
		n-nitrosomorpholine	0.01	0.04
		ortho-aniside	0.01	0.04
		ortho-toluidine	0.004	0.02
		o-xylene	0.08	0.35
		pentachlorophenol	0.02	0.07
		phenol	0.05	0.22
		selenium	0.0075	0.0329
		Silver - in Application		
		styrene	0.03	0.12
		tert-butyl methyl ether	0.01	0.02
		tetrachloroethene	0.01	0.07
		toluene	0.01	0.19
		trans-1,3-dichloropropene	0.01	0.05
		trichloroethene	0.06	0.28
		vinyl acetate	0.01	0.02
		vinyl bromide	0.01	0.06

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		vinyl chloride	0.44	1.91
		m/p xylene	0.21	0.92
P3	Kiln #3	PM	27.0	118.3
		PM_{10}	27.0	118.3
		SO_2	961.0	2090.0
		VOC	13.4	58.87
		CO	220.0	482.0
		NO_x	1568.0	4230.0
		1,1,1-trichloroethane	0.01	0.01
		1,1,2,2-tetrachloroethane	0.01	0.04
		1,1,2-trichloroethane	0.01	0.03
		1,1-dichloroethane	0.01	0.01
		1,1-dichloroethene	0.01	0.02
		1,2,4-trichlorobenzene	0.01	0.02
		1,2-dichloroethane	1.67	7.32
		1,2-dichloropropane	0.01	0.02
		1,2-epoxybutane	0.07	0.3
		1,3-butadiene	0.49	2.13
		(cis/trans)1,3-dichloropropene	0.01	0.02
		1,4-dichlorobenzene	0.01	0.01
		1,4-phenylene-diamine	0.06	0.26
		2,4,5-trichlorophenol	0.01	0.02
		2,4,6-trichlorophenol	0.17	0.76
		2,4-dinitrophenol	0.01	0.03
		2,4-dinitrotoluene	0.01	0.01
		2-butanone	0.20	0.87
		3,3-dichlorobenzidine	0.01	0.01
		3,3-dimethoxybenzidine	0.01	0.02
		4-dinitrophenol	0.01	0.03
		4-methyl-2-pentanone	0.01	0.03
		acrylonitrile	0.03	0.14
		allyl chloride	0.15	0.66
		aniline	0.01	0.02
		antimony	12.9	56.6
		arsenic	0.0005	0.00219
		benzene	0.37	1.63
		benzidine	0.02	0.07
		beryllium	0.00007	0.000274
		bis(2-chloroethyl)ether	0.01	0.02

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		bis(2-ethylhexyl)phthlate	0.74	3.24
		bromodichloromethane	0.02	0.09
		bromoform	0.01	0.06
		bromomethane	0.26	1.13
		cadmium	0.00373	0.0163
		carbon disulfide	0.01	0.01
		carbon tetrachloride	0.01	0.02
		chlorine	1.34	5.85
		chlorobenzene	0.01	0.06
		chloroethane	0.01	0.01
		chloroform	0.22	0.95
		chloromethane	1.95	8.53
		chromium	0.00403	0.0177
		cobalt[‡]	27.0	118.3
		cumene	0.01	0.04
		dimethylphthalate	0.01	0.01
		ethyl acrylate	0.13	0.58
		ethylbenzene	0.01	0.05
		ethylene dibromide	0.01	0.02
		hexachlorobenzene	0.01	0.01
		hexachlorobutadiene	0.01	0.03
		hexachlorocyclopentadiene	0.01	0.02
		hexachloroethane	0.01	0.02
		hydrogen chloride	71.0	311.0
		hydroquinone	0.02	0.07
		iodomethane	0.01	0.03
		lead	0.10	0.438
		m/p xylene	0.43	1.89
		manganese	0.0602	0.264
		mercury	0.0759	0.332
		methyl methacrylate	0.01	0.05
		methylene chloride	0.24	1.03
		naphthalene	0.38	1.68
		n-hexane	0.07	0.33
		nickel[‡]	27.0	118.3
		nitrobenzene	0.02	0.07
		N-nitrosoddiphenylamine	0.01	0.01
		N-nitrosomorpholine	0.01	0.05
		ortho-anisidine	0.01	0.03
		ortho-toluidine	0.01	0.01

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
		o-xylene	0.20	0.86
		pentachlorophenol	0.01	0.01
		phenol	0.09	0.38
		selenium	0.0105	0.046
		Silver - In Application		
		styrene	0.01	0.02
		tert-butyl methyl ether	0.01	0.01
		tetrachloroethene	0.01	0.02
		toluene	0.04	0.18
		trichloroethene	0.01	0.03
		vinyl acetate	0.01	0.02
		vinyl bromide	0.11	0.49
		vinyl chloride	0.03	0.14
		4-Nitrophenol	0.01	0.03
P4	Discharge into Coal Mill #1	PM	0.1	0.2
		PM_{10}	0.1	0.1
P5	Discharge from Kiln #1 to #1 Bucket Conveyor	PM	0.2	0.8
		PM_{10}	0.1	0.3
P6	3 Clinker Cooler Baghouse	PM	25.0	110.0
		PM_{10}	25.0	110.0
P7	Discharge into Coal Mill #2	PM	0.1	0.1
		PM_{10}	0.1	0.1
P8	Discharge from Kiln #2 to #2 Bucket Conveyor	PM	0.2	0.8
		PM_{10}	0.1	0.3
P9	Discharge into Coal Mill #3	PM	0.1	0.1
		PM_{10}	0.1	0.1
P10	Discharge from Kiln #3 to #3 Bucket Conveyor	PM	0.6	2.3
		PM_{10}	0.2	0.8
P11	Discharge from Bin #48	PM	0.1	0.1
		PM_{10}	0.1	0.1
P12	Discharge from Bin #48	PM	0.1	0.1
		PM_{10}	0.1	0.1
P13	Discharge from Bin #47	PM	0.1	0.1
		PM_{10}	0.1	0.1

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
P15	Baghouse Discharge to #2 Bucket Conveyor	PM PM_{10}	0.4 0.2	1.6 0.6
P16	Baghouse Discharge to #3 Bucket Conveyor	PM PM_{10}	0.4 0.2	1.6 0.6
P17	Bin #49 Sock Filter	PM PM_{10}	0.5 0.5	1.9 1.9
P20	Truck Loading of CKD	PM PM_{10}	0.1 0.1	0.2 0.1
P21	Truck Unloading of CKD	PM PM_{10}	0.1 0.1	0.2 0.1
P22	Trailer Unloading of CKD	PM PM_{10}	0.1 0.1	0.2 0.1
P23	CKD Pile	PM PM_{10}	1.2 0.6	5.2 2.6
P24	Transfer from Main Coal Pile	PM PM_{10}	0.2 0.1	0.6 0.2
P32	1500 Ton CKD Storage Bin	PM PM_{10}	0.4 0.4	1.6 1.6
P33	CKD Handling Screw Conveyor Bin Vent	PM PM_{10}	0.1 0.1	0.4 0.4
P34	Kiln #3 Dust Scoop Bin Vent	PM PM_{10}	0.2 0.2	0.5 0.5
P35 P39	CKD Handling 500 Ton Silo Baghouse	PM PM_{10}	0.3 0.3	1.1 1.1
P36	Truck Loading of CKD (North of Hwy. 108)	PM PM_{10}	0.1 0.1	0.3 0.1
P37	1500 ton CKD Storage Bin	PM PM_{10}	0.3 0.3	1.2 1.2
P38	CKD Truck Loadout	PM PM_{10}	0.2 0.2	0.6 0.6
M3	Gypsum Discharge into Finish Mill #4	PM PM_{10}	0.1 0.1	0.1 0.1
M4	Gypsum Discharge to Gypsum Elevator	PM PM_{10}	0.1 0.1	0.1 0.1
M9	Tripper Discharge into Bins	PM PM_{10}	0.1 0.1	0.2 0.1

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
M10	Discharge from Bin #45	PM	0.1	0.1
		PM_{10}	0.1	0.1
M11	Discharge into Bin #43	PM	0.3	1.0
		PM_{10}	0.1	0.4
M12	Discharge from Bin #44	PM	0.1	0.4
		PM_{10}	0.1	0.2
M13	Discharge from Bin #43	PM	0.3	1.0
		PM_{10}	0.1	0.4
M14	Transfer from Admix Weigh Feeder to B Belt	PM	0.3	1.0
		PM_{10}	0.1	0.4
M15	Transfer from Bin #42 Feeder to B Belt	PM	0.1	0.1
		PM_{10}	0.1	0.1
M16	#2 Finish Mill Baghouse	PM	0.7	3.0
		PM_{10}	0.7	3.0
M17	#2 Finish Mill Baghouse-Mill Sweep	PM	0.5	2.0
		PM_{10}	0.5	2.0
		VOC	3.8	16.3
		Diethanolamine	0.2	0.6
		Ethylene Glycol	0.1	0.2
M18	#4 Finish Mill Baghouse	PM	1.1	4.7
		PM_{10}	1.1	4.7
M19	#4 Finish Mill Discharge Baghouse-Mill Sweep	PM	1.6	6.7
		PM_{10}	1.6	6.7
		VOC	27.8	122.0
		Diethanolamine	1.0	4.1
		Ethylene Glycol	0.4	1.4
M20	Dryer Scrubber	PM	0.4	1.8
		PM_{10}	0.2	0.9
		SO_2	0.1	0.2
		VOC	0.5	1.9
		CO	6.3	27.6
		NO_x	7.5	32.9
M21	Discharge from Bin #42 to Feeder	PM	0.1	0.1
		PM_{10}	0.1	0.1
M22	Discharge from Bin #41	PM	0.1	0.1
		PM_{10}	0.1	0.1
M23	Transfer from Bin #41 Conveyor Belt to A1	PM	0.1	0.1
		PM_{10}	0.1	0.1

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
	Conveyor Belt			
M24	Discharge from Bin #40	PM PM_{10}	0.1 0.1	0.1 0.1
M25	Discharge from D Belt into Chalk Dryer	PM PM_{10}	0.2 0.1	0.6 0.2
M26	Transfer to D Belt	PM PM_{10}	0.1 0.1	0.1 0.1
M27	Discharge from Bin #39	PM PM_{10}	0.1 0.1	0.4 0.2
M28	Transfer to Dry Feed Belt	PM PM_{10}	0.1 0.1	0.4 0.2
M29	Transfer to Dry Feed Belt	PM PM_{10}	0.1 0.1	0.1 0.1
M30	Transfer from #1 Clinker Bin to Dry Feed Belt	PM PM_{10}	0.4 0.2	1.6 0.6
M31	Discharge from Bin #38	PM PM_{10}	0.1 0.1	0.1 0.1
M32	Discharge from Bin #38	PM PM_{10}	0.1 0.1	0.1 0.1
M33	Discharge from Bin #37	PM PM_{10}	0.1 0.1	0.1 0.1
M34	Transfer from Bin #37 to A1 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
M35	Discharge from Bin #36	PM PM_{10}	0.1 0.1	0.1 0.1
M36	Transfer to A1 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
M37	Transfer to A1 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
M38	Transfer to A1 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
M39	Discharge Into Raw Mill #3	PM PM_{10}	0.2 0.1	0.5 0.2
M40	Discharge from Gypsum Elevator into Feed Mill #4	PM PM_{10}	0.1 0.1	0.1 0.1

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
M42	Bin #36 Dust Collector	PM PM_{10}	0.3 0.3	0.9 0.9
M43	Bin #37 Dust Collector	PM PM_{10}	0.3 0.3	0.9 0.9
M44	Bin #39 Dust Collector	PM PM_{10}	0.3 0.3	0.9 0.9
M45	Bin #44 Dust Collector	PM PM_{10}	0.3 0.3	0.9 0.9
M46	Transfer from Limestone Feeder to Belt Conveyor	PM PM_{10}	0.2 0.1	0.5 0.2
F4	Long Term Coal Pile	PM PM_{10}	0.2 0.1	0.9 0.5
F5	Active Coal Pile	PM PM_{10}	0.2 0.1	0.6 0.3
F6	Discharge into Feed Hopper #5	PM PM_{10}	0.6 0.3	1.7 0.6
F8	Transfer from #208 Belt to #210 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
F9	Discharge into Feed Hopper #4	PM PM_{10}	0.6 0.3	1.7 0.6
F11	Discharge from Hopper #4 Vibrating Feeder to #206 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
F12	Discharge from Hopper #5 Vibrating Feeder to #206 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
F13	Transfer from #206 Belt to #208 Belt	PM PM_{10}	0.1 0.1	0.1 0.1
F14	Transfer from Stacker Belt to Active Coal Pile	PM PM_{10}	0.6 0.3	1.7 0.6
F15	Unloading into Long Term Coal Pile	PM PM_{10}	0.5 0.2	1.2 0.5
F16	Transfer from Long Term Coal Pile to Active Pile	PM PM_{10}	0.5 0.2	1.2 0.5
F17	Transfer from Coal	PM	0.2	0.6

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
	Feeders to Underbelt	PM_{10}	0.1	0.2
F18	Railcar Unloading into Coal Hoppers 4 and 5	PM PM_{10}	0.6 0.3	2.7 1.0
F19, F20	LWDF Tanks Thermal Oxidizer and Carbon Adsorption System	PM PM_{10} SO_2 VOC CO NO_x Xylene Toluene Methylene Chloride Ethyl Benzene Styrene Tetrachloroethane 1,1,2-trichloroethane Benzene	0.1 0.1 0.1 16.9 0.5 0.6 1.3 0.7 0.1 0.2 0.1 0.1 0.1 0.1	0.2 0.2 0.1 3.0 2.0 2.4 0.3 0.2 0.1 0.1 0.1 0.1 0.1 0.1
S1	Truck Loadout DC #31	PM PM_{10}	0.2 0.2	0.8 0.8
S3	Truck Loadout DC #49	PM PM_{10}	0.7 0.7	3.0 3.0
S4	Kaiser Silos DC #21	PM PM_{10}	0.5 0.5	2.1 2.1
S5	Kaiser Silos DC #22	PM PM_{10}	0.2 0.2	0.7 0.7
S6	Delta Silo DC #23	PM PM_{10}	0.6 0.6	2.5 2.5
S7	Rail Silos DC #24	PM PM_{10}	0.7 0.7	3.0 3.0
S8	Kaiser Silos DC #29	PM PM_{10}	0.2 0.2	0.8 0.8
S9	Kaiser Silos DC #30	PM PM_{10}	0.2 0.2	0.7 0.7
S10	Rail Silos DC #25	PM PM_{10}	0.3 0.3	1.0 1.0
S11	Packer DC #26	PM PM_{10}	0.7 0.7	3.0 3.0

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
S12	Packer DC #27	PM PM_{10}	0.6 0.6	2.5 2.5
S13	Truck Loadout DC #28	PM PM_{10}	0.5 0.5	2.0 2.0
S14	Bins 26 and 27 Dust Collector	PM PM_{10}	1.1 1.1	4.5 4.5
S15	Rail Load Out Dust Collector	PM PM_{10}	0.3 0.3	1.0 1.0
C1	Clinker Transfer Tower Baghouse	PM PM_{10}	1.8 1.8	7.6 7.6
C2	Outside Clinker Truck Unloading	PM PM_{10}	1.3 0.5	5.4 1.9
C3	Outside Clinker Reclaim Hopper Loading	PM PM_{10}	0.6 0.2	2.3 0.8
C4	Outside Clinker Storage Pile	PM PM_{10}	0.1 0.1	0.3 0.2
C5	Discharge from Clinker Reclaim Hopper	PM PM_{10}	0.6 0.2	2.3 0.8
C6	Clinker Railcar and Truck Hopper Loading	PM PM_{10}	0.2 0.1	0.8 0.3
C7	Clinker Discharge to Railcar/Truck	PM PM_{10}	0.2 0.1	0.8 0.3
C8	Transfer from Reclaim Belt to #7 Belt	PM PM_{10}	0.6 0.2	2.3 0.8
C9	Transfer to #7 Belt	PM PM_{10}	0.2 0.1	0.6 0.2
C10	Transfer from #7 Belt to #8 Belt	PM PM_{10}	0.7 0.3	2.8 1.0
C11	Transfer from #8 Belt to #9 Belt	PM PM_{10}	0.9 0.3	3.6 1.3
C19	Discharge from #1 Clinker Bin	PM PM_{10}	0.1 0.1	0.4 0.2
C20	Transfer to Belt Conveyor	PM PM_{10}	0.1 0.1	0.4 0.2

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
C21	Discharge into #1 Clinker Bin	PM PM_{10}	0.1 0.1	0.4 0.4
C26	West Clinker Silo Dust Collector	PM PM_{10}	0.8 0.8	3.2 3.2
C27	4A2 Belt Dust Collector	PM PM_{10}	0.6 0.6	2.7 2.7
C28	Transfer to 4A Belt	PM PM_{10}	0.2 0.1	0.7 0.3
C32	East Clinker Silo Dust Collector	PM PM_{10}	0.8 0.8	3.2 3.2
C34	West Clinker Tank Dust Collector	PM PM_{10}	0.2 0.2	0.8 0.8
C41	Off-SPEC Bin and Ancillary Equipment Dust Collector	PM PM_{10}	0.4 0.4	1.4 1.4
C42	Clinker Dome Dust Collector	PM PM_{10}	0.6 0.6	1.9 1.9
C43	Reclaim Belt Dust Collector	PM PM_{10}	0.2 0.2	0.5 0.5
C44	Off-Spec Bin Dust Collector	PM PM_{10}	0.17 0.17	0.75 0.75
C45	Clinker Silo Baghouse	PM PM_{10}	0.3 0.3	1.2 1.2
C46	Clinker Silo Baghouse	PM PM_{10}	0.3 0.3	1.2 1.2
R1	Truck Unloading for Sand/Iron Ore	PM PM_{10}	1.9 0.7	8.0 2.8
R2	Chalk Storage Pile	PM PM_{10}	0.1 0.1	0.3 0.2
R3	Discharge from Chalk Feeder	PM PM_{10}	0.1 0.1	0.2 0.1
R4	Discharge from Gypsum Feeder	PM PM_{10}	0.3 0.1	1.0 0.4
R5	Gypsum Storage Pile	PM PM_{10}	0.1 0.1	0.1 0.1
R6	Discharge from Sand/Iron-ore Feeder	PM PM_{10}	0.1 0.1	0.1 0.1
R8	Sand/Iron Ore Storage Transfer	PM PM_{10}	0.4 0.2	1.5 0.5

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
R9	Discharge from Emergency Feeder	PM PM_{10}	0.3 0.1	1.0 0.4
R10	Discharge of Gypsum Belt	PM PM_{10}	0.8 0.3	3.2 1.2
R11	Discharge into Secondary Crusher	PM PM_{10}	0.1 0.1	0.2 0.1
R12	Secondary Crusher	PM PM_{10}	0.2 0.2	0.8 0.8
R13	Secondary Crusher Discharge	PM PM_{10}	0.1 0.1	0.2 0.1
R14	Transfer to #2 Belt	PM PM_{10}	0.1 0.1	0.2 0.1
R15	Discharge from Gypsum Hopper	PM PM_{10}	0.1 0.1	0.2 0.1
R16	Gypsum Truck Discharge into Hopper	PM PM_{10}	0.8 0.3	3.2 1.2
R17	Long Term Sand Pile	PM PM_{10}	0.1 0.1	0.4 0.2
R18	Iron Ore Storage Pile	PM PM_{10}	0.2 0.1	0.6 0.3
R19	Sand Storage Pile	PM PM_{10}	0.1 0.1	0.1 0.1
R20	Emissions from Haul Roads	PM PM_{10}	13.1 3.6	47.2 13.4
R22	Portable Crusher	PM PM_{10} SO_2 VOC CO NO_x	0.3 0.3 0.2 0.2 0.6 2.5	1.3 1.0 0.8 0.9 2.3 10.6
R24	Transfer from Portable Crusher to Main Conveyor	PM PM_{10}	0.3 0.2	1.3 0.5
R25	Emergency Gypsum Storage Pile	PM PM_{10}	0.1 0.1	0.1 0.1
Q1	Quarry Haul Road	PM PM_{10}	23.5 5.133	102.8 22.5

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
Q2	Primary Crusher	PM PM_{10}	0.5 0.5	1.9 1.9
Q3	Quarry Belt Turning Point Transfer from 2N to 1N	PM PM_{10}	0.1 0.1	0.4 0.4
Q4	Transfer from Belt 1N to Tripper Belt	PM PM_{10}	0.1 0.1	0.4 0.4
Q5	Discharge of Tripper Belt to Chalk Storage	PM PM_{10}	0.1 0.1	0.4 0.4
Q6	Scraper Dumping to Auxiliary System	PM PM_{10}	0.1 0.1	0.2 0.2
Q7	Hopper 3 Discharge to 1.12 Belt (Auxiliary System)	PM PM_{10}	0.1 0.1	0.2 0.2
Q8	Auxiliary Crusher	PM PM_{10}	1.1 0.5	4.7 2.2
Q9	Discharge of Belt 1 to Tripper Belt	PM PM_{10}	0.1 0.1	0.2 0.2

*HAPs included in the VOC totals. Other HAPs are not included in any other totals unless specifically stated.

**Air Contaminants such as ammonia, acetone, and certain halogenated solvents are not VOCs or HAPs.

‡ While it is assumed that these metals are indeed emitted, as they are naturally occurring metals present in the raw materials used to manufacture cement, Ash Grove was not able to calculate an emission rate. Ash Grove requests the use of the particulate matter emission rate of 19.5 lb/hr and 85.41 tpy for Kiln 1 and 2, 27.0 lb/hr and 118.3 tpy for Kiln 3, as stated in the HWC NESHAP (September 29, 1999, 64 FR 52879) preamble be incorporated as limits for nickel and cobalt.

SECTION III: PERMIT HISTORY

Permit #75-A was issued to Arkansas Cement Corporation Foreman Production facilities on or about September 21, 1971. This permit allowed the installation of three "Precipitair" electrostatic precipitators and supporting equipment at the existing facility. Proposed emissions were 29.58 lb/hr of particulates.

Permit #75-A (modification) allowed the facility to use coal instead of natural gas as the primary fuel to fire the three cement kilns and to replace the three previously approved electrostatic precipitators. This amendment was issued on September 15, 1976.

Permit #75-A (modification) was issued on March 26, 1982. This modification allowed Arkansas Cement to install a gravel bed filter to control particulate discharge from the clinker coolers to replace the multiclone that was being used. Permitted emission rates dropped from 475 lb/hr to 25 lb/hr of particulate.

Permit #75-AR-3 was issued on May 27, 1983, and it rescinded the modification issued on March 26, 1982, because the facility decided to install a Fuller fabric filter with heat recovery instead of the gravel bed filter. This modification also included the replacement of part of the clinker handling system and the installation of a baghouse to control emissions generated at this crossover point. This modification added 1 lb/hr of particulate emissions.

Permit #75-AR-4 was issued on January 29, 1988. This modification changed the name of the facility to Ash Grove Cement Company and consolidated the existing emissions sources into one permit and placed restrictions on the use of waste-derived fuel at this facility. This permit allowed emissions of 99.9 lb/hr of TSP, 787 lb/hr of SO_2, 39 lb/hr of chlorine, 0.048 lb/hr of lead, and 0.006 lb/hr of chromium.

Permit #75-AR-5 was issued on June 30, 1989. This permit allowed Ash Grove to burn solid hazardous waste in the cement kilns. This permit allowed emissions of 92.2 lb/hr TSP, 1574 lb/hr of SO_2, 164.6 lb/hr of HCl, 0.22 lb/hr of lead, and 0.316 lb/hr of chromium.

Permit #75-AR-6 was issued on July 8, 1991. This permit allowed Ash Grove to change the outlet nozzles of the ESPs so that each kiln could vent to a single stack. Emissions were not increased due to this modification.

Permit #75-AR-7 was issued on November 13, 1991. This modification allowed all sources, regardless of size, to be permitted. No changes in operation were made. Emissions consisted of 553 tpy TSP, 6,894.1 tpy SO_2, 721 tpy HCl, 0.964 tpy lead, and 1.39 tpy chromium.

Permit #75-AR-8 was issued on June 15, 1994. This permit covered the installation of CEMS required by the BIF rule. Permit #75-AR-7 was modified so that the Air Permit monitoring requirements for SO_2, NO_x, and CO could be satisfied by the new CEMS. This modification also added two product storage silos and related materials handling equipment to improve the loading and shipping of finished product, and modified four existing dust control baghouses in a manner

that resulted in four new point discharge stacks. The carbon adsorption system on the liquid waste fuel storage tanks was replaced by a liquid nitrogen recovery condenser. These changes did not result in any changes to the emission rates at this facility.

Permit #75-AR-9 was issued on February 11, 1998. This modification authorized Ash Grove to burn waste tires as fuel. Emission rates for SO_2 were increased and emission rates for NO_x and CO were added. Emission totals listed in this permit were 567 tpy PM_{10}, 5,740 tpy SO_2, 1,183 tpy CO, 9,080 tpy NO_x, 0.964 tpy lead, and 3.0 tpy VOC.

Permit 1235-AR-1 was issued on November 7, 1995. This permit is for the limestone quarry located at the Ash Grove site. The requirements for this quarry are being incorporated into this permit. The quarry is permitted to emit 4.3 lb/hr and 19.0 tpy of PM/PM_{10}.

Permit 75-AOP-R0 was the initial Title V permit issued to Ash Grove Cement in Foreman, Arkansas. This permit allowed for several changes at this facility. The portable crusher (SN-R22) was permitted for the first time. Ash Grove installed 10 new LWDF tanks and changed the control device to a thermal oxidizer with a carbon adsorption backup system. A clinker storage dome was added to the facility and the ESPs used to control emissions from the kilns were refurbished. Also, the quarry (formerly permitted under permit #1235-AR-1) which supplies limestone for use in the cement kilns was included in this permit. The permit also incorporated the requirements of 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry, and 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.

Permit 75-AOP-R1 was issued on May 30, 2003. This modification allowed Ash Grove to construct a new cement kiln dust (CKD) handling system (SN-P32, SN- P33, SN-P34, SN-P35 and SN-P36) and remove baghouses P18 and P19. This system allowed the CKD to be pneumatically conveyed across the highway to a new CKD landfill and it also allowed some of the CKD to be recycled to kiln #3. This modification resulted in net PM/PM_{10} emissions increases of 0.8 lb/hr and 2.6 tpy from the CKD handling equipment and 4 proposed new fabric filter dust collectors. Also, Ash Grove constructed a baghouse (SN-C44). This change resulted in an increase of PM/PM_{10} emissions of 0.17 lb/hr and 0.75 tpy. Finally, Ash Grove Cement Company added 3 drag conveyors and replaced 2 bucket conveyors and a belt conveyor that were part of the clinker handling system. The two bucket conveyors were the number 6 and number 7 bucket conveyors. The belt conveyor was the 440 belt. These conveyors are subject to all applicable sections of 40 CFR 63, Subpart LLL. No additional emissions are resulted from this modification.

Permit 75-AOP-R2 was issued on May 4, 2005. This modification combined and incorporated several requests for minor modifications to the Title V permit. This modification allowed for a redesign of the CKD handling system (SN-P32 through SN-P36) and the addition of P37. It was discovered that the system required additional conveying air. This modification also allowed Ash Grove to install a belt conveyor with integrated dust collector (SN-P38) to the CKD handling system.

Ash Grove has been given approval to manufacture a new product named DURACEM OW. Manufacture of this product will result in no increase in process emissions, however; there will be an increase in fugitive emissions from the haul roads (SN-R20). Finally, the facility replaced a bucket elevator in the Chalk Dryer System with a drag conveyor. No additional emissions occurred as a result of this change.

These changes resulted in net emissions increases of 1.5 tpy of PM and 3.1 tpy PM_{10} emissions from this facility.

Permit 75-AOP-R3 was issued on August 29, 2005. This modification allowed Ash Grove to install an additional baghouse for bins 26 and 27. The increased air flow resulting from installation of this new baghouse caused potential emissions increased by 4.5 tpy PM_{10}. This modification also corrected typographical errors found in 75-AOP-R2.

Permit 75-AOP-R4 was issued on January 12, 2006. Hydrogen chloride emissions were increased to match the emission rates allowed by 40 CFR 63, Subpart EEE. Other HAP emission rates were increased based on recent stack testing. Permitted increases were 597.7 tpy hydrogen chloride, 0.16 tpy acrylonitrile, 1.55 tpy benzene, 0.15 tpy bezidine, 0.11 tpy toluene, 0.16 tpy vinyl chloride. Ash Grove also changed the minimum kVa for each electrostatic precipitator based on data collected during the comprehensive performance test. The new minimum 3-hour rolling average kVa values are 198, 202, and 101 for kilns 1, 2, and 3 respectively.

Permit 75-AOP-R5 was issued on May 12, 2006. This modification allowed Ash Grove to install an additional baghouse (SN-P-39) on the 500 ton CKD Bin (SN-P35) and to replace a conveyor belt and add two baghouses (SN-C45 and C-46) to the clinker silos. These changes resulted in a permitted emissions increase of 2.4 tpy PM/PM_{10}.

Permit 75-AOP-R6 was issued on September 18, 2006. This modification allowed Ash Grove to replace an existing screw conveyor with a weigh belt (SN-M12) and add a conveyor belt to allow the addition of limestone to Mill No. 4 (SN-M46). This project resulted in additional permitted PM emissions of 0.5 tpy and PM_{10} emissions of 0.2 tpy.

Permit 75-AOP-R7 was issued on May 15, 2007. This modification allowed Ash Grove to construct a new dry-process preheater/precalciner (PH/PC) cement kiln system at this facility as a modernized replacement for the three existing wet-process cement kilns. This change triggered PSD review for VOC and CO.

SECTION IV: SPECIFIC CONDITIONS

SN-P1
Kiln #1

Source Description

This kiln is used to produce the clinker product. It may be fired by coal, natural gas, tire-derived fuel, liquid waste-derived fuel, or solid waste-derived fuel. This kiln can produce up to 50 tons per hour of clinker. Particulate emissions are controlled by an electrostatic precipitator with an efficiency of 99%.

Specific Conditions

66. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Conditions 70, 71 and 73. [Regulation 19, §19.501 et seq., effective December 19, 2004 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	19.5	85.4
VOC	9.6	42.1

67. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Condition 69. [Regulation 19, §19.501 et seq., effective December 19, 2004 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
SO_2	849.0	1960.0
CO	172.0	368.0
NO_x	889.0	2405.0

68. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Condition 73. [Regulation 18, §18.801, effective February 15, 1999, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	19.5	85.4
1,1,1-trichloroethane	0.01	0.02
1,1,2,2-tetrachloroethane	0.01	0.03
1,1,2-trichloroethane	0.01	0.04
1,1-dichloroethane	0.01	0.02
1,1-dichloroethene	0.16	0.69
1,2,4-trichlorobenzene	0.08	0.35
1,2-dichloroethane	0.01	0.05
1,2-dichloropropane	0.01	0.04
1,2-epoxybutane	0.01	0.01
1,3-butadiene	0.02	0.07
1,4-dichlorobenzene	0.19	0.18
1,4-phenylene-diamine	0.01	0.03
2,4,5-trichlorophenol	0.01	0.03
2,4,6-trichlorophenol	0.01	0.05
2,4-dinitrophenol	0.03	0.11
2,4-dinitrotoluene	0.02	0.01
2-butanone	0.21	0.91
3,3-dichlorobenzidine	0.01	0.04
3,3-dimethoxybenzidine	0.01	0.04
4-methyl-2-pentanone	0.02	0.09
4-nitrophenol	0.02	0.07
Acrylonitrile	0.03	0.11
allyl chloride	0.19	0.84
Aniline	0.005	0.02
Antimony	8.80	38.5

Pollutant	lb/hr	tpy
Arsenic	0.00258	0.00112
Benzene	0.22	0.95
Benzidine	0.02	0.07
Beryllium	0.00028	0.00123
bis(2-chloroethyl)ether	0.01	0.03
bis(2-ethylhexyl)phthalate	0.004	0.02
Bromodichloromethane	0.01	0.02
Bromoform	0.01	0.03
Bromomethane	0.26	1.15
Cadmium	.0307	0.134
carbon disulfide	0.08	0.37
carbon tetrachloride	0.01	0.02
Chlorine	0.00162	0.00780
Chlorobenzene	0.17	0.73
Chloroethane	1.05	4.59
Chloroform	0.01	0.06
Chloromethane	0.12	0.51
Chromium	0.00578	0.0253
cis-1,3-dichloropropene	0.01	0.05
cobalt†	19.5	85.41
Cumene	0.01	0.03
Dimethylphthalate	0.002	0.01
ethyl acrylate	0.11	0.46
Ethylbenzene	0.09	0.38
ethylene dibromide	0.01	0.01
Hexachlorobenzene	0.01	0.02
Hexachlorobutadiene	0.01	0.03

Pollutant	lb/hr	tpy
Hexachlorocyclopentadiene	0.01	0.03
Hexachloroethane	0.01	0.04
hydrogen chloride	50.0	219.0
Hydroquinone	0.01	0.05
Iodomethane	0.03	0.13
Lead	0.06	0.263
Manganese	0.0430	0.188
Mercury	0.0694	0.304
methyl methacrylate	0.01	0.05
methylene chloride	2.24	9.80
Naphthalene	0.29	1.29
n-hexane	0.06	0.27
nickel†	19.5	85.41
Nitrobenzene	0.005	0.02
N-nitrosoddiphenylamine	0.03	0.01
N-nitrosomorpholine	0.01	0.04
ortho-anisidine	0.01	0.04
ortho-toluidine	0.04	0.02
o-xylene	0.08	0.35
Pentachlorophenol	0.02	0.07
Phenol	0.05	0.22
Selenium	0.0075	0.0329
Styrene	0.03	0.12
tert-butyl methyl ether	0.01	0.02
Tetrachloroethene	0.06	0.020.28
Toluene	0.04	0.19
trans-1,3-dichloropropene	0.01	0.05

Pollutant	lb/hr	tpy
Trichloroethene	0.06	0.28
vinyl acetate	0.01	0.02
vinyl bromide	0.01	0.06
vinyl chloride	0.44	1.91
xylene	0.21	0.92

‡ While it is assumed that these metals are indeed emitted, as they are naturally occurring metals present in the raw materials used to manufacture cement, Ash Grove was not able to calculate an emission rate. Ash Grove requests the use of the particulate matter emission rate as limits for nickel and cobalt.

69. The permittee shall maintain continuous emission monitors (CEMs) to record SO_2, CO, and NO_x emissions at this source. These CEMs shall be operated in accordance with all applicable conditions of the Department's Continuous Emission Monitoring Systems Conditions as found in Appendix A of this permit. [Regulation 19, §19.703, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

70. The permittee shall operate the electrostatic precipitators used to control particulate emissions at this source at a minimum kVA of electrical power input to the electrostatic precipitator. This minimum kVA rating shall be the sum of the kVA levels for the individual field of the ESP and shall be the level determined by the most recent passing stack test performed. Ash Grove shall notify the Department, in writing, when the kVA level is changed. This notification shall include a copy of the test results and the new value for the rating. Compliance shall be demonstrated through compliance with Specific Condition 75. [Regulation 19, §19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

71. The permittee shall not produce more than 37,200 tons of clinker per month at this source. Compliance shall be demonstrated through compliance with the record keeping requirements set forth in Specific Condition 72. [Regulation 19, §19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

72. The permittee shall maintain records of the amount of clinker produced at this source. These records shall be kept on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. A rolling twelve month total of these amounts shall be kept on site and be made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision 7. [Regulation 19, §19.705, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311, and CFR Part 52, Subpart E]

73. The permittee shall not exceed the feed rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 74. [Regulation 19, §19.705, Regulation 18, §18.1004, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311, and 40 CFR Part 70.6]

Fuel	Monthly Amount
Natural Gas	294.6 $MMft^3$
Coal	11,160 ton
Tire-derived Fuel	1,488 ton
LWDF	11,160 ton
SWDF	3,720 ton

LWDF = Liquid Waste-derived Fuel

SWDF = Solid Waste-derived Fuel

74. The permittee shall maintain records of the types and amounts of fuel used at this source. These records shall be kept on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. A rolling twelve month total of these amounts shall be kept on site and be made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision #7. [§19.705 of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

75. The permittee shall record the sum of the electrical power input in kilovolt-amperes (kVA) to each field of the electrostatic precipitator used to control particulate emissions from this source. A reading of the electrical power input to each field of the electrostatic precipitator shall be taken a minimum of once per day of operation. These records shall be kept on site and made available to Department personnel upon request. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A.§8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

76. Visible emissions from this source shall not exceed 20% opacity. No later than September 30, 2002, compliance shall be demonstrated with a continuous opacity monitor. Until installation and certification of the continuous opacity monitor occurs, the permittee shall continue to demonstrate compliance through compliance with Plantwide Condition #10. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, 40 CFR Part 63.1209(a)(1), and A.C.A.§8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-P2
Kiln #2

Source Description

This kiln is used to produce the clinker product. It may be fired by coal, natural gas, tire-derived fuel, liquid waste-derived fuel, or solid waste-derived fuel. This kiln can produce up to 50 tons per hour of clinker. Particulate emissions are controlled by an electrostatic precipitator with an efficiency of 99%.

Specific Conditions

77. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Conditions 81, 82 and 83. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	19.5	85.4
VOC	9.6	42.1

78. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Condition 80. [Regulation 19, §19.501 et seq. and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
SO_2	753.0	1690.0
CO	152.0	333.0
NO_x	882.0	2450.0

79. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Condition 83. [Regulation 18, §18.801 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	19.5	85.4
1,1,1-trichloroethane	0.01	0.02
1,1,2,2-tetrachloroethane	0.01	0.03

Pollutant	lb/hr	tpy
1,1,2-trichloroethane	0.01	0.04
1,1-dichloroethane	0.01	0.02
1,1-dichloroethene	0.16	0.69
1,2,4-trichlorobenzene	0.08	0.35
1,2-dichloroethane	0.01	0.05
1,2-dichloropropene	0.01	0.02
1,2-epoxybutane	0.01	0.01
1,3-butadiene	0.02	0.07
1,4-dichlorobenzene	0.19	0.18
1,4-phenylene-diamine	0.01	0.03
2,4,5-trichlorophenol	0.01	0.03
2,4,6-trichlorophenol	0.01	0.05
2,4-dinitrophenol	0.03	0.11
2,4-dinitrotoluene	0.02	0.01
2-butanone	0.21	0.91
3,3-dichlorobenzidine	0.01	0.04
3,3-dimethoxybenzidine	0.01	0.04
4-methyl-2-pentanone	0.02	0.09
4-nitrophenol	0.02	0.07
acrylonitrile	0.03	0.11
allyl chloride	0.19	0.84
aniline	0.005	0.02
antimony	8.80	38.5
arsenic	0.00258	0.00112
benzene	0.22	0.95
benzidine	0.02	0.07
beryllium	0.00028	0.00123

Pollutant	lb/hr	tpy
bis(2-chloroethyl)ether	0.01	0.03
bis(2-ethylhexyl)phthlate	0.004	0.02
bromodichloromethane	0.01	0.02
bromoform	0.01	0.03
bromomethane	0.26	1.15
cadmium	0.0307	0.134
carbon disulfide	0.08	0.37
carbon tetrachloride	0.01	0.02
chlorine	0.00162	0.00780
chlorobenzene	0.17	0.73
chloroethane	1.05	4.59
chloroform	0.01	0.06
chloromethane	0.12	0.51
chromium	0.00578	0.0253
cis-1,3-dichloropropene	0.01	0.05
cobalt†	19.5	85.41
cumene	0.01	0.03
dimethylphthalate	0.002	0.01
ethyl acrylate	0.11	0.46
ethylbenzene	0.09	0.38
ethylene dibromide	0.01	0.01
hexachlorobenzene	0.01	0.02
hexachlorobutadiene	0.01	0.03
hexachlorocyclopentadiene	0.01	0.03
hexachloroethane	0.01	0.04
hydrogen chloride	50.0	219.0
hydroquinone	0.01	0.05

Pollutant	lb/hr	tpy
iodomethane	0.03	0.13
manganese	0.0430	0.188
lead	0.06	0.263
mercury	0.0694	0.304
methyl methacrylate	0.01	0.05
methylene chloride	2.24	9.80
naphthalene	0.29	1.29
n-hexane	0.06	0.27
nickel†	19.5	85.41
nitrobenzene	0.005	0.02
N-nitrosoddiphenylamine	0.03	0.01
N-nitrosomorpholine	0.01	0.04
ortho-anisidine	0.01	0.04
ortho-toluidine	0.04	0.02
o-xylene	0.08	0.35
pentachlorophenol	0.02	0.07
phenol	0.05	0.22
selenium	0.0075	0.0329
styrene	0.03	0.12
tert-butyl methyl ether	0.01	0.02
tetrachloroethene	0.06	0.28
toluene	0.04	0.19
trans-1,3-dichloropropene	0.01	0.05
trichloroethene	0.06	0.28
vinyl acetate	0.01	0.02
vinyl bromide	0.01	0.06
vinyl chloride	0.44	1.91

Pollutant	lb/hr	tpy
xylene	0.21	0.92

‡ While it is assumed that these metals are indeed emitted, as they are naturally occurring metals present in the raw materials used to manufacture cement, Ash Grove was not able to calculate an emission rate. Ash Grove requests the use of the particulate matter emission rate as limits for nickel and cobalt.

80. The permittee shall maintain continuous emission monitors (CEMs) to record SO_2, CO, and NO_x emissions at this source. These CEMs shall be operated in accordance with all applicable conditions of the Department's Continuous Emission Monitoring Systems Conditions as found in Appendix A of this permit. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

81. The permittee shall operate the electrostatic precipitators used to control particulate emissions at this source at a minimum kVA of electrical power input to the electrostatic precipitator. This minimum kVA rating shall be the sum of the kVA levels for the individual field of the ESP and shall be the level determined by the most recent passing stack test performed. Ash Grove shall notify the Department, in writing, when the kVA level is changed. This notification shall include a copy of the test results and the new value for the rating. Compliance shall be demonstrated through compliance with Specific Condition #86. [§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

82. The permittee shall not produce more than 37,200 tons of clinker per month at this source. Compliance shall be demonstrated through compliance with the record keeping requirements set forth on Specific Condition 84. [§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

83. The permittee shall not exceed the feed rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 85. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

Fuel	Monthly Amount
Natural Gas	294.6 $MMft^3$
Coal	11,160 ton
Tire-derived Fuel	1,488 ton
LWDF	11,160 ton
SWDF	3,720 ton

LWDF = Liquid Waste-derived Fuel

SWDF = Solid Waste-derived Fuel

84. The permittee shall maintain records of the amount of clinker produced at this source. These records shall be kept on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. A rolling twelve month total of these amounts shall be kept on site and be made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision #7. [§19.705 of Regulation 19 and 40 CFR Part 52, Subpart E]

85. The permittee shall maintain records of the types and amounts of fuel used at this source. These records shall be kept on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. A rolling twelve month total of these amounts shall be kept on site and be made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

86. The permittee shall record the sum of the electrical power input in kilovolt-amperes (kVA) to each field of the electrostatic precipitator used to control particulate emissions from this source. A reading of the electrical power input to each field of the electrostatic precipitator shall be taken a minimum of once per day of operation. These records shall be kept on site and made available to Department personnel upon request. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

87. Visible emissions from this source shall not exceed 20% opacity. No later than September 30, 2002, compliance shall be demonstrated with a continuous opacity monitor. Until installation and certification of the continuous opacity monitor occurs, the permittee shall continue to demonstrate compliance through compliance with Plantwide Condition #10. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, 40 CFR Part 63.1209(a)(1), and A.C.A.§8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-P3
Kiln #3

Source Description

This kiln is used to produce the clinker product. It may be fired by coal, natural gas, tire-derived fuel, liquid waste-derived fuel, or solid waste-derived fuel. This kiln can produce up to 70 tons per hour of clinker. Particulate emissions are controlled by an electrostatic precipitator with an efficiency of 99%.

Specific Conditions

88. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Conditions 92, 93, and 94. [§19.501 et seq. Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	27.0	118.3
VOC	13.44	58.87

89. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 91. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	Tpy
SO_2	961.0	2090.0
CO	220.0	482.0
NO_x	1568.0	4231.0

90. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 94. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	27.0	118.3
1,1,1-trichloroethane	0.01	0.01
1,1,2,2-tetrachloroethane	0.01	0.04
1,1,2-trichloroethane	0.01	0.03
1,1-dichloroethane	0.01	0.01

Pollutant	lb/hr	tpy
1,1-dichloroethene	0.01	0.02
1,2,4-trichlorobenzene	0.01	0.02
1,2-dichloroethane	1.67	7.32
1,2-dichloropropane	0.01	0.04
1,2-epoxybutane	0.07	0.3
1,3-butadiene	0.49	2.13
(cis, trans)1,3-dichloropropene	0.03	0.13
1,4-dichlorobenzene	0.01	0.01
1,4-phenylene-diamine	0.06	0.26
2,4,5-trichlorophenol	0.01	0.02
2,4,6-trichlorophenol	0.17	0.76
2,4-dinitrophenol	0.01	0.03
2,4-dinitrotoluene	0.01	0.01
2-butanone	0.2	0.87
3,3-dichlorobenzidine	0.01	0.01
3,3-dimethoxybenzidine	0.01	0.02
4-methyl-2-pentanone	0.01	0.03
4-dinitrophenol	0.01	0.03
acrylonitrile	0.03	0.14
allyl chloride	0.15	0.66
Aniline	0.01	0.02
antimony	12.9	56.6
arsenic	0.0005	0.00219
benzene	0.37	1.63
benzidine	0.02	0.07
beryllium	0.00007	0.000274
bis(2-chloroethyl)ether	0.01	0.02
bis(2-ethylhexyl)phthlate	0.74	3.24
bromodichloromethane	0.02	0.09
bromoform	0.01	0.06
bromomethane	0.26	1.13
cadmium	0.00373	0.0163
carbon disulfide	0.01	0.01
carbon tetrachloride	0.01	0.02
chlorine	1.34	5.85
chlorobenzene	0.01	0.06
chloroethane	0.01	0.01
chloroform	0.22	0.95
chloromethane	1.95	8.53
chromium	0.00403	0.0177
Cobalt□	27.0	118.3

Pollutant	lb/hr	tpy
cumene	0.01	0.04
dimethylphthalate	0.01	0.01
ethyl acrylate	0.13	0.58
ethylbenzene	0.01	0.05
ethylene dibromide	0.01	0.02
hexachlorobenzene	0.01	0.01
hexachlorobutadiene	0.01	0.03
hexachlorocyclopentadiene	0.01	0.02
hexachloroethane	0.01	0.02
hydrogen chloride	71.0	311.0
hydroquinone	0.02	0.07
iodomethane	0.01	0.03
Lead	0.10	0.438
m/p xylene	0.43	1.89
manganese	0.0602	0.264
mercury	0.0759	0.332
methyl methacrylate	0.01	0.05
methylene chloride	0.24	1.03
naphthalene	0.38	1.68
n-hexane	0.07	0.33
nickel	27.0	118.3
nitrobenzene	0.02	0.07
N-nitrosoddiphenylamine	0.01	0.01
N-nitrosomorpholine	0.01	0.05
ortho-anisidine	0.01	0.03
ortho-toluidine	0.01	0.01
o-xylene	0.2	0.86
pentachlorophenol	0.01	0.01
phenol	0.09	0.38
selenium	0.0105	0.046
styrene	0.01	0.02
tert-butyl methyl ether	0.01	0.01
tetrachloroethene	0.01	0.02
toluene	0.04	0.18
trans-1,3-dichloropropene	0.01	0.02
trichloroethene	0.01	0.03
vinyl acetate	0.01	0.02
vinyl bromide	0.11	0.49
vinyl chloride	0.03	0.14

‡ While it is assumed that these metals are indeed emitted, as they are naturally occurring metals present in the raw materials used to manufacture cement, Ash Grove was not able to calculate an

emission rate. Ash Grove requests the use of the particulate matter emission rate of 19.5 lb/hr and 85.41 tpy for Kiln 1 and 2, 27.0 lb/hr and 118.3 tpy for Kiln 3, as stated in the HWC NESHAP (September 29, 1999, 64 FR 52879) preamble be incorporated as limits for nickel and cobalt.

91. The permittee shall maintain continuous emission monitors (CEMs) to record SO_2, CO, and NO_x emissions at this source. These CEMs shall be operated in accordance with all applicable conditions of the Department's Continuous Emission Monitoring Systems Conditions as found in Appendix A of this permit. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

92. The permittee shall operate the electrostatic precipitators used to control particulate emissions at this source at a minimum kVA of electrical power input to the electrostatic precipitator. This minimum kVA rating shall be the sum of the kVA levels for the individual field of the ESP and shall be the level determined by the most recent passing stack test performed. Ash Grove shall notify the Department, in writing, when the kVA level is changed. This notification shall include a copy of the test results and the new value for the rating. Compliance shall be demonstrated through compliance with Specific Condition 97. [§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

93. The permittee shall not produce more than 52,080 tons of clinker per month at this source. Compliance shall be demonstrated through compliance with the record keeping requirements set forth in Specific Condition 95. [§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

94. The permittee shall not exceed the feed rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 96. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6]

Fuel	Monthly Amount
Natural Gas	412.2 $MMft^3$
Coal	18,600 tons
Tire-derived Fuel	2,231 ton
LWDF	11,160 ton
SWDF	3,720 ton

LWDF = Liquid Waste-derived Fuel

SWDF = Solid Waste-derived Fuel

95. The permittee shall maintain records of the amount of clinker produced at this source. These records shall be kept on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. A rolling twelve month total of these amounts shall be kept on site and be made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision# 7. [§19.705 of Regulation 19 and 40 CFR Part 52, Subpart E]

96. The permittee shall maintain records of the types and amounts of fuel used at this source. These records shall be kept on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. A rolling twelve month total of these amounts shall be kept on site and be made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

97. The permittee shall record the sum of the electrical power input in kilovolt-amperes (kVA) to each field of the electrostatic precipitator used to control particulate emissions from this source. A reading of the electrical power input to each field of the electrostatic precipitator shall be taken a minimum of once per day of operation. These records shall be kept on site and made available to Department personnel upon request. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

98. Visible emissions from this source shall not exceed 20% opacity. No later than September 30, 2002, compliance shall be demonstrated with a continuous opacity monitor. Until installation and certification of the continuous opacity monitor occurs, the permittee shall continue to demonstrate compliance through compliance with Plantwide Condition #9. [§19.703 of Regulation 19, 40 CFR Part 52, Subpart E, 40 CFR Part 63.1209(a)(1), and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Transfer points for Pyroprocessing Unit

Source Description

These are various transfer points associated with the pyroprocessing unit. Emissions from these points are considered uncontrolled and were calculated based on equipment maximum capacity using the formula contained in AP-42 §13.2.4-3 as found in Appendix B.

Specific Conditions

99. The permittee shall not exceed the emission limits set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Source	Source Name	Pollutant	lb/hr	tpy
P4	Discharge into Coal Mill #1	PM_{10}	0.1	0.1
P5*	Discharge from Kiln #1 to #1 Bucket Conveyor	PM_{10}	0.2	0.3
P7	Discharge into Coal Mill #2	PM_{10}	0.1	0.1
P8*	Discharge from Kiln #2 to #2 Bucket Conveyor	PM_{10}	0.1	0.3
P9	Discharge into Coal Mill #3	PM_{10}	0.1	0.1
P10*	Discharge from Kiln #3 to #3 Bucket Conveyor	PM_{10}	0.2	0.8
P11*	Discharge from Bin #48	PM_{10}	0.1	0.1
P12*	Discharge from Bin #48	PM_{10}	0.1	0.1
P13*	Discharge from Bin #47	PM_{10}	0.1	0.1
P15*	Baghouse Discharge to #2 Bucket Conveyor	PM_{10}	0.2	0.6
P16*	Baghouse Discharge to #3 Bucket Conveyor	PM_{10}	0.2	0.6
P20*	Truck Loading of CKD	PM_{10}	0.1	0.1
P21	Truck Unloading of CKD	PM_{10}	0.1	0.1
P22	Trailer Unloading of CKD	PM_{10}	0.1	0.1
P24	Transfer from Main Coal Pile	PM_{10}	0.1	0.2
P32*	1500 Ton CKD Storage Bin	PM_{10}	0.4	1.6
P33*	CKD Handling Screw Conveyor Bin Vent	PM_{10}	0.1	0.4

Source	Source Name	Pollutant	lb/hr	tpy
P34*	Kiln #3 Dust Scoop Bin Vent	PM_{10}	0.2	0.5
P35* P39[1]	CKD Handling 500 Ton Silo Baghouse	PM_{10}	0.3	1.1
P36*	Truck Loading of CKD (North of Hwy. 108)	PM_{10}	0.1	0.3
P37*	1500 ton CKD Storage Bin	PM_{10}	0.3	1.2
P38*	CKD Truck Loadout	PM_{10}	0.2	0.6

*Subject to 40 CFR 63, Subpart LLL
1. These baghouses are interlocked so only one may operate at any time.

100. The permittee shall not exceed the emission rates set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Source	Source Name	Pollutant	lb/hr	tpy
P4	Discharge into Coal Mill #1	PM	0.1	0.2
P5*	Discharge from Kiln #1 to #1 Bucket Conveyor	PM	0.2	0.8
P7	Discharge into Coal Mill #2	PM	0.1	0.1
P8*	Discharge from Kiln #2 to #2 Bucket Conveyor	PM	0.2	0.8
P9	Discharge into Coal Mill #3	PM	0.1	0.1
P10*	Discharge from Kiln #3 to #3 Bucket Conveyor	PM	0.6	2.3
P11*	Discharge from Bin #48	PM	0.1	0.1
P12*	Discharge from Bin #48	PM	0.1	0.1
P13*	Discharge from Bin #47	PM	0.1	0.1
P15*	Baghouse Discharge to #2 Bucket Conveyor	PM	0.4	1.6
P16*	Baghouse Discharge to #3 Bucket Conveyor	PM	0.4	1.6
P20*	Truck Loading of CKD	PM	0.1	0.2
P21	Truck Unloading of CKD	PM	0.1	0.2
P22	Trailer Unloading of CKD	PM	0.1	0.2
P24	Transfer from Main Coal Pile	PM	0.2	0.6

Source	Source Name	Pollutant	lb/hr	tpy
P32*	1500 Ton CKD Storage Bin	PM	0.4	1.6
P33*	CKD Handling Screw Conveyor Bin Vent	PM	0.1	0.4
P34*	Kiln #3 Dust Scoop Bin Vent	PM	0.2	0.5
P35* P39*	CKD Handling 500 Ton Silo Baghouses[1]	PM	0.3	1.1
P36*	Truck Loading of CKD (North of Hwy. 108)	PM	0.1	0.1
P37*	1500 ton CKD Storage Bin	PM	0.3	1.2
P38*	CKD Truck Loadout	PM	0.2	0.6

*Subject to 40 CFR 63, Subpart LLL

1. These baghouses are interlocked so only one may operate at any time.

101. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

102. SN-P21 and SN-P22 shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual observation of operations at SN-P21 and SN-P22 and the recording of the findings of the visual observations in the facility record. These records shall be kept on site and made available to Department personnel upon request. [§18.901 of Regulation 18]

103. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

104. Visual emissions for SN-P4, P7, P9, and P24 shall not exceed 20 percent opacity. The permittee shall demonstrate compliance with this specific condition by conducting a visible opacity observation of the source at least once each calendar week in which the source operates, and keep a record of these observations. If visible emissions appear to exceed 20 percent opacity, the permittee shall take corrective action, and perform and record the observation again. If visible emissions still appear to exceed 20 percent opacity, the permittee shall conduct a six-minute opacity reading in accordance with the

EPA reference method No. 9. The records of visible emission observations and results of any method No. 9 reading shall be kept on site for five years and made available to Department personnel upon request. [Regulation 19 §19.503 and 40 CFR 52, Subpart E]

SN-P6
3 Clinker Coolers Baghouse

Source Description

This baghouse controls particulate emissions from the clinker coolers. Efficiency is assumed to be 99%.

Specific Conditions

105. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 107. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	Tpy
PM_{10}	25.0	110.0

106. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 107. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	25.0	110.0

107. The permittee shall operate the control equipment associated with this source in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

108. Emissions from this clinker cooler shall not contain particulate matter in excess of 0.050 kg per Mg (0.1 lb per ton) of feed (dry basis) to the kiln and visible emissions from this source shall not exceed 10% opacity. Pursuant to 40 CFR 63.1350(d)(1), compliance shall be demonstrated with a continuous opacity monitor. [40 CFR 63.1345, §19.503 of Regulation 19 and 40 CFR 52, Subpart E]

109. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-P17
Bin #49 Sock Filter

Source Description

This filter controls particulate emissions resulting from material transfer in and out of this bin. Efficiency is assumed to be 95%.

Specific Conditions

110. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 112. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	Tpy
PM_{10}	0.5	1.9

111. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 112. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.5	1.9

112. The permittee shall operate the control equipment associated with this source in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

113. Emissions from this source shall not exceed 10% opacity. This source is subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

114. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition.

[§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-P23
CKD Pile

Source Description

This storage pile has a total area of 40 acres. Emissions from the cement kiln dust pile are controlled by surface watering.

Specific Conditions

115. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 117. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	Tpy
PM_{10}	0.6	2.6

116. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 117. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	1.2	5.2

117. The permittee shall maintain the area of this storage pile at or below 40 acres. Compliance shall be demonstrated by surveying the boundary perimeter of this pile. The permittee shall demarcate and record the perimeter of this pile with a global positioning system (GPS) instrument. A minimum of once per calendar year, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

118. This source shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual observation of operations at this source in accordance with EPA Method 22. The permittee shall maintain records of the observations performed. These records shall be maintained on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§18.901 of Regulation 18]

Uncontrolled Transfer points in the Mill Area

Source Description

The Mill area consists of many different pieces of equipment. The uncontrolled emission rates were found based on equipment maximums using a formula contained in AP-42 page 13.2.4-3 as found in Appendix B.

Specific Conditions

119. The permittee shall not exceed the emission limits set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Source Name	Pollutant	lb/hr	tpy
M3	Gypsum Discharge into Finish Mill #4	PM_{10}	0.1	0.1
M4	Gypsum Discharge to Gypsum Elevator	PM_{10}	0.1	0.1
M9	Tripper Discharge into Bins	PM_{10}	0.1	0.1
M10	Discharge from Bin #45	PM_{10}	0.1	0.1
M11	Discharge into Bin #43	PM_{10}	0.1	0.4
M12	Discharge from Bin #44	PM_{10}	0.1	0.2
M13	Discharge from Bin #43	PM_{10}	0.1	0.4
M14	Transfer to B Belt	PM_{10}	0.1	0.4
M15	Transfer to B Belt	PM_{10}	0.1	0.1
M21	Discharge from Bin #42	PM_{10}	0.1	0.1
M22	Discharge from Bin #41	PM_{10}	0.1	0.1
M23	Transfer from Bin #41	PM_{10}	0.1	0.1
M24	Discharge from Bin #40	PM_{10}	0.1	0.1
M25	Discharge from D Belt into Chalk Dryer	PM_{10}	0.1	0.2
M26	Transfer to D Belt	PM_{10}	0.1	0.1
M27	Discharge from Bin #39	PM_{10}	0.1	0.2
M28	Transfer to Dry Feed Belt	PM_{10}	0.1	0.2
M29	Transfer to Dry Feed Belt	PM_{10}	0.1	0.1

SN	Source Name	Pollutant	lb/hr	tpy
M30	Transfer from #1 Clinker Bin to Dry Feed Belt	PM_{10}	0.2	0.6
M31	Discharge from Bin #38	PM_{10}	0.1	0.1
M32	Discharge from Bin #38	PM_{10}	0.1	0.1
M33	Discharge from Bin #37	PM_{10}	0.1	0.1
M34	Transfer to A1 Belt	PM_{10}	0.1	0.1
M35	Discharge from Bin #36	PM_{10}	0.1	0.1
M36	Transfer to A1 Belt	PM_{10}	0.1	0.1
M37	Transfer to A1 Belt	PM_{10}	0.1	0.1
M38	Transfer to A1 Belt	PM_{10}	0.1	0.1
M39	Discharge Into Raw Mill #3	PM_{10}	0.1	0.2
M40	Discharge from Gypsum Elevator into Feed Mill #4	PM_{10}	0.1	0.1
M46	Transfer from Limestone Feeder to Belt Conveyor	PM	0.1	0.2

120. The permittee shall not exceed the emission rates set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Source Name	Pollutant	lb/hr	tpy
M3	Gypsum Discharge into Finish Mill #4	PM	0.1	0.1
M4	Gypsum Discharge to Gypsum Elevator	PM	0.1	0.1
M9	Tripper Discharge into Bins	PM	0.1	0.2
M10	Discharge from Bin #45	PM	0.1	0.1
M11	Discharge into Bin #43	PM	0.3	1.0
M12	Discharge from Bin #44	PM	0.1	0.4
M13	Discharge from Bin #43	PM	0.3	1.0
M14	Transfer to B Belt	PM	0.3	1.0
M15	Transfer to B Belt	PM	0.1	0.1
M21	Discharge from Bin #42	PM	0.1	0.1

SN	Source Name	Pollutant	lb/hr	tpy
M22	Discharge from Bin #41	PM	0.1	0.1
M23	Transfer from Bin #41	PM	0.1	0.1
M24	Discharge from Bin #40	PM	0.1	0.1
M25	Discharge from D Belt into Chalk Dryer	PM	0.2	0.6
M26	Transfer to D Belt	PM	0.1	0.1
M27	Discharge from Bin #39	PM	0.1	0.4
M28	Transfer to Dry Feed Belt	PM	0.1	0.4
M29	Transfer to Dry Feed Belt	PM	0.1	0.1
M30	Transfer from #1 Clinker Bin to Dry Feed Belt	PM	0.4	1.6
M31	Discharge from Bin #38	PM	0.1	0.1
M32	Discharge from Bin #38	PM	0.1	0.1
M33	Discharge from Bin #37	PM	0.1	0.1
M34	Transfer to A1 Belt	PM	0.1	0.1
M35	Discharge from Bin #36	PM	0.1	0.1
M36	Transfer to A1 Belt	PM	0.1	0.1
M37	Transfer to A1 Belt	PM	0.1	0.1
M38	Transfer to A1 Belt	PM	0.1	0.1
M39	Discharge Into Raw Mill #3	PM	0.2	0.5
M40	Discharge from Gypsum Elevator into Feed Mill #4	PM	0.1	0.1
M46	Transfer from Limestone Feeder to Belt Conveyor	PM	0.2	0.5

121. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

122. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources

for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-M16
#2 Finish Mill Baghouse

Source Description

This baghouse controls emission from the finish mill. Emissions are estimated to be 0.01 grains/ft^3. Efficiency is assumed to be 99%.

Specific Conditions

123. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 125. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.7	3.0

124. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 125. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.7	3.0

125. The permittee shall operate the control equipment associated with this source in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

126. Emissions from this source shall not exceed 10% opacity. This source is subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through daily visible emissions observations using Method 22, corrective action and subsequent visible emissions observations in accordance with 40 CFR 63.1350(e). The visible observation requirement will be superseded if the permittee chooses the use of a continuous opacity monitor or bag leak detection system in place of the visible observations in accordance with 40 CFR 63.1350(m). The permittee shall notify the Department, in writing, of the date a COM or BLDS is put into service at this facility. [§19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

127. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-M17
#2 Finish Mill Discharge Baghouse

Source Description

After milling, the cement is discharged. Grinding aids containing HAPs and VOC are used in these mills. Particulate emissions from this discharge are controlled by a baghouse with an assumed efficiency of 99%.

Specific Conditions

128. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 130. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.5	2.0
VOC	3.8	16.3

129. The permittee shall not exceed the emission limit set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 130 and 141. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-203 and §8-3-311]

Pollutant	lb/hr	tpy
PM	0.5	2.0
Diethanolamine	0.2	0.6
Ethylene Glycol	0.1	0.2

130. The permittee shall operate the control equipment associated with this source in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

131. Emissions from this source shall not exceed 10% opacity. This source is subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through daily visible emissions observations using Method 22, corrective action and subsequent visible emissions observations in accordance with 40 CFR 63.1350(e). The visible observation requirement will be superceded if the permittee chooses the use of a continuous opacity monitor or bag leak detection system in place of the visible observations in accordance with 40 CFR 63.1350(m). The permittee shall notify the Department, in writing, of the date a COM or

BLDS is put into service at this facility. [§19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

132. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-M18
#4 Finish Mill Baghouse

Source Description

After milling, the cement is discharged. Emissions from this discharge are controlled by a baghouse with an assumed efficiency of 99%.

Specific Conditions

133. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 135. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	1.1	4.7

134. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 135. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	1.1	4.7

135. The permittee shall operate the control equipment associated with this source in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

136. Emissions from this source shall not exceed 10% opacity. This source is subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through daily visible emissions observations using Method 22, corrective action and subsequent visible emissions observations in accordance with 40 CFR 63.1350(e). The visible observation requirement will be superceded if the permittee chooses the use of a continuous opacity monitor or bag leak detection system in place of the visible observations in accordance with 40 CFR 63.1350(m). The permittee shall notify the Department, in writing, of the date a COM or BLDS is put into service at this facility. [§19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

137. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-M19
#4 Finish Mill Discharge Baghouse

Source Description

After milling, the cement is discharged. Grinding aids containing HAPs and VOC are used in these mills. Particulate emissions from this discharge are controlled by a baghouse with an assumed efficiency of 99%.

Specific Conditions

138. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 140. [Pursuant to §19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	1.6	6.7
VOC	27.8	122.0

139. The permittee shall not exceed the emission limit set forth in the following table. Compliance shall be demonstrated through compliance with Specific Conditions 140 and 141. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	1.6	6.7
Diethanolamine	1.0	4.1
Ethylene Glycol	0.4	1.4

140. The permittee shall operate the control equipment associated with this source in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

141. The grinding aid used at this facility shall have a density less than or equal to 9.996 lb/gal and shall not contain more than 90% VOC or 4.0% HAP by weight. The HAPs contained in the grinding aid shall have a TLV greater than or equal to 2 mg/m^3. The permittee shall not use more than 196,910 lb of grinding aid per month. Compliance shall be demonstrated through compliance with Specific Condition 142. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 70.6]

142. The permittee shall maintain records of the density, VOC content and HAP content of the grinding aid used. These records shall be in the form of an MSDS or the equivalent and shall be updated as necessary. The permittee shall maintain records of the amount of grinding aid used on a monthly basis. These records shall be updated on a monthly basis and made available to Department personnel upon request. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

143. Emissions from this source shall not exceed 10% opacity. This source is subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through daily visible emissions observations using Method 22, corrective action and subsequent visible emissions observations in accordance with 40 CFR 63.1350(e). The visible observation requirement will be superceded if the permittee chooses the use of a continuous opacity monitor or bag leak detection system in place of the visible observations in accordance with 40 CFR 63.1350(m). The permittee shall notify the Department, in writing, of the date a COM or BLDS is put into service at this facility. [§19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

144. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-M20
Dryer Scrubber

Source Description

Emissions from the dryer consist of products of combustion and additional particulate matter. Particulate matter is controlled using a wet scrubber with an efficiency of 95%. This scrubber operates at a gas flow of 18,000 ft^3/min and a liquid flow rate of 10 gal/min.

Specific Conditions

145. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 148. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.2	0.9
SO_2	0.1	0.2
VOC	0.5	1.9
CO	6.3	27.6
NO_x	7.5	32.9

146. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 148. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.4	1.8

147. Emissions from this source shall not exceed 10% opacity. This source is subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated by observations of opacity from SN-M20 at least once each calendar week in which the dryer is in operation. These observations shall be performed using EPA Reference Method 22. Records of the operating periods of the dryer and the opacity observations shall be maintained in the facility record. These records shall be kept on site and made available to Department personnel upon request. [§19.304 of Regulation 19 and 40 CFR 63.1348]

148. The permittee shall not use more than 55.8 $MMft^3$ of natural gas per month at this source. Compliance shall be demonstrated through compliance with the requirements set forth in

Specific Condition #149. [§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR 70.6]

149. The permittee shall maintain records of the amount of natural gas used at this source. These records shall be maintained on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. The records shall be maintained on site and made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision #7. [§19.705 of Regulation 19 and 40 CFR Part 52, Subpart E]

150. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-M42, M43, M44, M45
Bin Dust Collectors

Source Description

These baghouses are used to control emissions resulting from material transfer to storage bins. The efficiency of each baghouse is assumed to be 99%.

Specific Conditions

151. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 153. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	Tpy
M42	PM_{10}	0.3	0.9
M43	PM_{10}	0.3	0.9
M44	PM_{10}	0.3	0.9
M45	PM_{10}	0.3	0.9

152. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 153. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
M42	PM	0.3	0.9
M43	PM	0.3	0.9
M44	PM	0.3	0.9
M45	PM	0.3	0.9

153. The permittee shall operate the control equipment associated with these sources in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

154. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and

§8-4-311, §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

155. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-F4
Long Term Coal Pile

Source Description

Coal is stored in this pile until it is moved to the active coal pile and fed to the kilns.

Specific Conditions

156. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 158. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.5

157. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 158. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.2	0.9

158. The permittee shall maintain the area of this storage pile at or below 3.0 acres. Compliance shall be demonstrated through compliance with Specific Condition 159. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

159. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the long term coal pile that encompasses an area no greater than 3.0 acres. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

160. This source shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual observation of operations at this source in accordance with EPA Method 22. The permittee shall maintain records of the observations performed. These records shall be maintained on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§18.901 of Regulation 18]

SN-F5
Active Coal Pile

Source Description

This is where the coal from the long term pile is transferred. Coal is fed to the kilns from this pile.

Specific Conditions

161. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 163. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.3

162. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 163. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.2	0.6

163. The permittee shall maintain the area of this storage pile at or below 1.0 acre. Compliance shall be demonstrated through compliance with Specific Condition 164. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

164. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the active coal pile that encompasses an area no greater than 1.0 acre. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

165. This source shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual observation of operations at this source in accordance with EPA Method 22. The permittee shall maintain records of the observations performed. These records shall be maintained on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§18.901 of Regulation 18]

Uncontrolled Emission Points in the Fuel Area

Source Description

The fuel area consists of many different pieces of equipment. The uncontrolled emission rates were found based on equipment maximums using a formula contained in AP-42 page 13.2.4-3 as found in Appendix B.

Specific Conditions

166. The permittee shall not exceed the emission limits set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Source Description	Pollutant	lb/hr	tpy
F6	Discharge into Feed Hopper #5	PM_{10}	0.3	0.6
F8	Coal Stacker Belt	PM_{10}	0.1	0.1
F9	Discharge into Feed Hopper #4	PM_{10}	0.3	0.6
F11	Transfer to #206 Belt	PM_{10}	0.1	0.1
F12	Transfer to #206 Belt	PM_{10}	0.1	0.1
F13	Transfer to #208 Belt	PM_{10}	0.1	0.1
F14	Transfer to Stacker Belt	PM_{10}	0.3	0.6
F15	Unloading into Long Term Coal Pile	PM_{10}	0.2	0.5
F16	Transfer from Long Term Coal Pile to Active Pile	PM_{10}	0.2	0.5
F17	Coal Feeders	PM_{10}	0.1	0.2
F18	Railcar Unloading into Coal Hoppers 4 and 5	PM_{10}	0.3	1.0

167. The permittee shall not exceed the emission rates set forth in the following. Compliance is based on the maximum capacity of the equipment and continuous operation. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Source Description	Pollutant	lb/hr	Tpy
F6	Discharge into Feed Hopper #5	PM	0.6	1.7
F8	Coal Stacker Belt	PM	0.1	0.1

SN	Source Description	Pollutant	lb/hr	Tpy
F9	Discharge into Feed Hopper #4	PM	0.6	1.7
F11	Transfer to #206 Belt	PM	0.1	0.1
F12	Transfer to #206 Belt	PM	0.1	0.1
F13	Transfer to #208 Belt	PM	0.1	0.1
F14	Transfer to Stacker Belt	PM	0.6	1.7
F15	Unloading into Long Term Coal Pile	PM	0.5	1.2
F16	Transfer from Long Term Coal Pile to Active Pile	PM	0.5	1.2
F17	Coal Feeders	PM	0.2	0.6
F18	Railcar Unloading into Coal Hoppers 4 and 5	PM	0.6	2.7

168. Visual emissions for these sources shall not exceed 20 percent opacity. The permittee shall demonstrate compliance with this specific condition by conducting a visible opacity observation of the source at least once each calendar week in which the source operates, and keep a record of these observations. If visible emissions appear to exceed 20 percent opacity, the permittee shall take corrective action, and perform and record the observation again. If visible emissions still appear to exceed 20 percent opacity, the permittee shall conduct a six minute opacity reading in accordance with the EPA reference method No. 9. The records of visible emission observations and results of any method No. 9 reading shall be kept on site for five years and made available to Department personnel upon request. [§19.503 of Regulation 19 and 40 CFR Part 52, Subpart E]

169. SN-F15 and SN-F16 shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual observation of operations at SN-F15 and SN-F16 and the recording of the findings of the visual observations in the facility record. These records shall be kept on site and made available to Department personnel upon request. [§18.901 of Regulation 18]

SN-F19, F20
Liquid Waste-derived Fuel Tanks

Source Description

LWDF is received in rail tank cars and in tank trucks and stored in above ground storage tanks before being transferred to the kilns. There are ten above ground storage tanks. To control VOC emissions, tanks are vented to a thermal oxidizer with a back up carbon adsorption system.

Specific Conditions

170. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 182. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.2
SO_2	0.1	0.2
VOC	16.9	3.0
CO	0.5	2.0
NO_x	0.6	2.4

171. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 182. [§18.8 of Regulation 18 and A.C.A. §8-3-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.1	0.2
Xylene (mixed isomers)	1.26	0.2
Toluene	0.7	0.2
Methylene Chloride	0.1	0.1
Ethyl Benzene	0.33	0.1
Styrene	0.20	0.1
Tetrachloroethene	0.1	0.1

Pollutant	lb/hr	tpy
1,1,2 trichloroethane	0.1	0.1
Benzene	0.1	0.1

172. This subpart applies to each storage vessel with a capacity greater than 40 cubic meters (m^3) that is used to store volatile organic liquids (VOLs) for which construction, reconstruction, or modification is commenced after July 23, 1984. [§19.304 of Regulation 19 and 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984, §60.110b(a)]

173. Each storage vessel with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa, but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3, but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa, but less than 76.6 kPa, shall equip each storage vessel with the following: [§19.304 of Regulation 19 and 40 CFR Part 60, §60.112b(a)]

a. These vessels shall be equipped with a closed vent system and control device meeting the following specifications: [§60.112b(a)(3)]
   i. The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections as determined in Part 60, Subpart VV, §60.485(b).
   ii. The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater.

174. Each source that is equipped with a closed vent system and control device (the thermal oxidizer at this facility) as required in §60.112b(a)(3) or (b)(2) (other than a flare) is exempt from §60.8 of the General Provisions and shall meet the following requirements. [§19.304 of Regulation 19 and 40 CFR Part 60, §60.113b(c)]

a. Submit for approval by the Administrator as an attachment to the notification required by §60.7(a)(1) or, if the facility is exempt from §60.7(a)(1), as an attachment to the notification required by §60.7(a)(2), an operating plan containing the information listed below.

   i. Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design

specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuel types from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816°C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.

ii. A description of the parameter or parameters to be monitored to insure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

b. Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with paragraph (c)(1) of this section, unless the plan was modified by the Administrator during the review process. In this case, the modification applies.

175. The permittee shall maintain records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of §60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least two years. The record required by (c)(1) will be kept for the life of the control equipment. [§19.304 of Regulation 19 and 40 CFR 60, §60.115b]

176. After installing control equipment in accordance with §60.112b(a)(3) or (b)(1) (closed vent system and control device other than a flare), the permittee shall keep the following records. [§19.304 of Regulation 19 and 40 CFR 60, §60.115b(c)]

a. A copy of the operating plan.
b. A record of the measured values of the parameters monitored in accordance with §60.112b(c)(2).

177. The permittee shall keep copies of all records required by this section, except for records required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section shall be kept for the life of the source. [§19.304 of Regulation 19 and 40 CFR 60, §60.116b(a)]

178. The permittee shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage tank with a design capacity less than 75 m^3 is subject to no provision of this subpart other than those required by this paragraph. [§19.304 of Regulation 19 and 40 CFR 60, §60.116b(b)]

179. For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based on the highest expected calendar month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based on the maximum local monthly average ambient temperature as reported by the National Weather Service. [§19.304 of Regulation 19 and 40 CFR 60, §60.116b(e)]

180. The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements. [§19.304 of Regulation 19 and 40 CFR 60, §60.116b(f)]

    a. Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (e) of this section.

    b. For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for controls as defined in §60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:

        i. ASTM Method D2879-83 (incorporated by reference-see §60.17); or
        ii. ASTM Method D323-82 (incorporated by reference-see §60.17); or
        iii. As measured by an appropriate method as approved by the Administrator.

181. Visible emissions from this source shall not exceed 10% opacity. Compliance shall be demonstrated by using only natural gas as fuel in the thermal oxidizer. [§18.501 of Regulation 18 and A.C.A. §8-4-230 as referenced by A.C.A. §8-4-304 and §8-4-311]

182. The permittee shall determine the destruction efficiency of the thermal oxidizing unit either using an appropriate test method or through the use of engineering calculations. If testing is used, the test shall be performed a minimum of once every five years. The initial test shall be performed no later than 180 days after the initial startup date. This test shall be performed with this unit operating at or above 90% of its design capacity. This unit shall achieve a VOC destruction rate of not less than 95%. If engineering calculations are used, the permittee shall maintain a complete design analysis of the unit which shall contain documentation necessary to demonstrate the performance of the unit. [§19.702 of Regulation 19 and 40 CFR Part 52, Subpart E]

183. The permittee shall maintain the temperature in the combustion chamber of the thermal oxidizer at or above 1500°F. To demonstrate compliance, the permittee shall install, calibrate, and maintain a continuous temperature recorder on the catalytic oxidizer used to control emissions from these sources. These records shall be maintained on site and made available to Department personnel upon request. [§19.703 of Regulation 19, 40

CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

184. During operation of the dual carbon canister system as a replacement for thermal oxidizer at this source, the permittee shall use good engineering judgment and/or vendor recommendations to determine the frequency to observe the condition of the breakthrough indicators on the carbon canisters in the absorption train. Observation of the breakthrough indicators on the carbon canisters shall occur no less often than the conclusion of each operating shift in which working losses were directed through the carbon canister absorption train. If breakthrough is detected, the system shall be reconfigured and, as necessary, canisters shall be recharged. The permittee shall maintain a log of the observations of the breakthrough indicators and the recharging of the carbon canisters. These records shall be maintained on site and made available to Department personnel upon request. [§19.703 of Regulation 19, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-S1, S3, S13, S14
Truck Loadout Dust Collectors

Source Description

Trucks are loaded at these points. Emissions are controlled using baghouses assumed to be 99% efficient.

Specific Conditions

185. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 187. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	tpy
S1, DC #31	PM_{10}	0.2	0.8
S3, DC#49	PM_{10}	0.7	3.0
S13, DC #28	PM_{10}	0.5	2.0
S14	PM_{10}	1.1	4.5

186. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 187. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
S1, DC #31	PM	0.2	0.8
S3, DC#49	PM	0.7	3.0
S13, DC #28	PM	0.5	2.0
S14	PM	1.1	4.5

187. The permittee shall operate the control equipment associated with these sources in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

188. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and

§8-4-311 , §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

189. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-S4, S5, S6, S7, S8, S9, S10, S11, S12
Silo Dust Collectors

Source Description

These baghouses control particulate emissions resulting from material transfer in and out of silos. Efficiencies are assumed to be 99%.

Specific Conditions

190. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 192. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	Tpy
S4, DC #21	PM_{10}	0.5	2.1
S5, DC #22	PM_{10}	0.2	0.7
S6, DC #23	PM_{10}	0.6	2.5
S7, DC #24	PM_{10}	0.7	3.0
S8, DC #29	PM_{10}	0.2	0.8
S9, DC #30	PM_{10}	0.2	0.7
S10, DC #25	PM_{10}	0.3	1.0
S11, DC #26	PM_{10}	0.7	3.0
S12, DC #27	PM_{10}	0.6	2.5
S15	PM_{10}	0.3	1.0

191. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 192. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
S4, DC #21	PM	0.5	2.1
S5, DC #22	PM	0.2	0.7
S6, DC #23	PM	0.6	2.5
S7, DC #24	PM	0.7	3.0
S8, DC #29	PM	0.2	0.8

SN	Pollutant	lb/hr	tpy
S9, DC #30	PM	0.2	0.7
S10, DC #25	PM	0.4	1.6
S11, DC #26	PM	0.7	3.0
S12, DC #27	PM	0.6	2.5
S15	PM	0.3	1.0

192. The permittee shall operate the control equipment associated with these sources in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

193. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

194. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-C1
Clinker Transfer Tower Baghouse

Source Description

This baghouse controls particulate emissions resulting from material transfer at this source. Efficiency is assumed to be 99%.

Specific Conditions

195. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 197. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	1.8	7.6

196. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 197. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	1.8	7.6

197. The permittee shall operate the control equipment associated with this source in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

198. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

199. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition.

[§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Uncontrolled Emission Points in the Clinker Area

Source Description

The clinker area consists of many different pieces of equipment. The uncontrolled emission rates were found based on equipment maximums using a formula contained in AP-42 page 13.2.4-3 as found in Appendix B.

Specific Conditions

200. The permittee shall not exceed the emission limits set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Source Name	Pollutant	lb/hr	tpy
C2	Outside Clinker Belt Discharge	PM_{10}	0.5	1.9
C3	Outside Clinker Reclaim Hopper Loading	PM_{10}	0.2	0.8
C4	Discharge from Clinker Reclaim Hopper	PM_{10}	0.029	0.13
C5*	Clinker Railcar and Truck Hopper Loading	PM_{10}	0.180	0.79
C6	Clinker Discharge to Railcar/Truck	PM_{10}	0.1	0.3
C7*	Transfer from Reclaim Belt to #7 Belt	PM_{10}	0.060	0.26
C8*	Transfer to #7 Belt	PM_{10}	0.180	2.26
C9*	Transfer from #7 Belt to #8 Belt	PM_{10}	0.042	0.18
C10*	Transfer from #8 Belt to #9 Belt	PM_{10}	0.222	0.97
C11*	Discharge from #2 Clinker Bin	PM_{10}	0.282	1.24
C19*	Transfer to Belt Conveyor	PM_{10}	0.030	0.13
C20*	Discharge into #1 Clinker Bin	PM_{10}	0.030	0.13
C21*	Transfer to 4A Belt	PM_{10}	0.086	0.38
C28*	Discharge into Clinker Elevator	PM_{10}	0.055	0.24

*Subject to 40 CFR 63, Subpart LLL

201. The permittee shall not exceed the emission rates set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Source Name	Pollutant	lb/hr	tpy
C2	Outside Clinker Belt Discharge	PM	1.3	5.4
C3	Outside Clinker Reclaim Hopper Loading	PM	0.6	2.3
C4	Outside Clinker Storage Pile	PM	0.1	0.3
C5*	Discharge from Clinker Reclaim Hopper	PM	0.6	2.3
C6	Clinker Railcar and Truck Hopper Loading	PM	0.2	0.8
C7*	Clinker Discharge to Railcar/Truck	PM	0.2	0.8
C8*	Transfer from Reclaim Belt to #7 Belt	PM	0.6	2.3
C9*	Transfer to #7 Belt	PM	0.2	0.6
C10*	Transfer from #7 Belt to #8 Belt	PM	0.7	2.8
C11*	Transfer from #8 Belt to #9 Belt	PM	0.9	3.6
C19*	Discharge from #1 Clinker Bin	PM	0.1	0.4
C20*	Transfer to Belt Conveyor	PM	0.1	0.4
C21*	Discharge into #1 Clinker Bin	PM	0.1	0.4
C28*	Transfer to 4A Belt	PM	0.2	0.7

*Subject to 40 CFR 63, Subpart LLL

202. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

203. SN-C2, SN-C3, and SN-C6 shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual

observation of operations at SN-C2, SN-C3, and SN-C6 and the recording of the findings of the visual observations in the facility record. These records shall be kept on site and made available to Department personnel upon request. [§18.901 of Regulation 18]

204. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-C4
Outside Clinker Storage Pile

Source Description

Clinker is stored in this pile prior to being transported by conveyors to mill feed bins.

Specific Conditions

205. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 207. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.029	0.13

206. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 207. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.058	0.25

207. The permittee shall maintain the area of this storage pile at or below 2.0 acres. Compliance shall be demonstrated through compliance with Specific Condition 208. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

208. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the outside clinker storage pile that encompasses an area no greater than 2.0 acres. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

209. This source shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual observation of operations at this source in accordance with EPA Method 22. The permittee shall maintain records of the observations performed. These records shall be maintained on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision 7. [§18.901 of Regulation 18]

SN-C26, C27, C32, C34, C41, C42, C43, C44, C45, C46
Clinker Handling Dust Collectors

Source Description

These baghouses control particulate emissions resulting from material transfer in the clinker portion of this facility. Efficiencies are assumed to be 99%.

Specific Conditions

210. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 212. [§19.501 of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Source Name	Pollutant	Lb/hr	tpy
C26*	West Clinker Silo Dust Collector	PM_{10}	0.8	3.2
C27*	4A2 Belt Dust Collector	PM_{10}	0.6	2.7
C32*	East Clinker Silo Dust Collector	PM_{10}	0.8	3.2
C34*	West Clinker Tank Dust Collector	PM_{10}	0.2	0.8
C41*	Off-spec Bin and Ancillary Equipment Dust Collector	PM_{10}	0.4	1.4
C42*	Clinker Dome Dust Collector	PM_{10}	0.6	1.9
C43*	Reclaim Belt Dust Collector	PM_{10}	0.2	0.5
C44*	Off-Spec Bin Dust Collector	PM_{10}	0.17	0.75
C45*	Clinker Silo Baghouse	PM_{10}	0.3	1.2
C46*	Clinker Silo Baghouse	PM_{10}	0.3	1.2

*Subject to 40 CFR 63, Subpart LLL

211. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 212. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Source Name	Pollutant	lb/hr	tpy
C26*	West Clinker Silo Dust Collector	PM	0.8	3.2
C27*	4A2 Belt Dust Collector	PM	0.6	2.7
C32*	East Clinker Silo Dust Collector	PM	0.8	3.2
C34*	West Clinker Tank Dust Collector	PM	0.2	0.8
C41*	Off-spec Bin and Ancillary Equipment Dust Collector	PM_{10}	0.4	1.4
C42*	Clinker Dome Dust Collector	PM_{10}	0.6	1.9
C43*	Reclaim Belt Dust Collector	PM_{10}	0.2	0.5
C44*	Off-Spec Bin Dust Collector	PM	0.17	0.75
C45*	Clinker Silo Baghouse	PM	0.3	1.2
C46*	Clinker Silo Baghouse	PM	0.3	1.2

*Subject to 40 CFR 63, Subpart LLL

212. The permittee shall operate the control equipment associated with these sources in a manner consistent with good air pollution control practices in order to comply with the applicable emission limits. [§19.303 of Regulation 19 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

213. The permittee shall not operate sources SN-41, SN-42, and SN-43 more than 7,250 hours per year based on a rolling twelve month total. Compliance shall be demonstrated by maintaining records of the hours of operation of these sources. These records shall be maintained on a weekly basis and updated weekly. These records shall be maintained on site and made available to Department personnel upon request. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 70.6]

214. Emissions from these sources shall not exceed 10% opacity. These sources are subject to all applicable requirements listed in Plantwide Condition #12. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #15. [§18.501 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , §19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*]

215. The permittee shall conduct initial compliance tests for all affected sources for which an initial compliance test has not been previously performed. Any of the affected sources for which the facility has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§63.1349(a) of 40 CFR Part 63, Subpart LLL and A.C.A.. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Uncontrolled Emission Points in the Raw Material Storage Area

Source Description

The Raw Material Storage area consists of many different pieces of equipment. The uncontrolled emission rates were found based on equipment maximums using a formula contained in AP-42 page 13.2.4-3 as found in Appendix B.

Specific Conditions

216. The permittee shall not exceed the emission limits set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Source Name	Pollutant	lb/hr	tpy
R1	Truck Unloading for Sand/Iron Ore	PM_{10}	0.7	2.8
R3	Discharge from Chalk Feeder	PM_{10}	0.1	0.1
R4	Discharge from Gypsum Feeder	PM_{10}	0.1	0.4
R6	Discharge from Sand/Iron-ore Feeder	PM_{10}	0.1	0.1
R8	Sand/Iron Ore Storage Transfer	PM_{10}	0.2	0.5
R9	Discharge from Emergency Feeder	PM_{10}	0.1	0.4
R10	Discharge of Gypsum Belt	PM_{10}	0.3	1.2
R11	Discharge into Secondary Crusher	PM_{10}	0.1	0.1
R13	Secondary Crusher Discharge	PM_{10}	0.1	0.1
R14	Transfer to #2 Belt	PM_{10}	0.1	0.1
R24	Transfer from Portable Crusher to Main Conveyor	PM_{10}	0.2	0.5

217. The permittee shall not exceed the emission rates set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Source Name	Pollutant	lb/hr	tpy
R1	Truck Unloading for Sand/Iron Ore	PM	1.9	8.0
R3	Discharge from Chalk Feeder	PM	0.1	0.2
R4	Discharge from Gypsum Feeder	PM	0.3	1.0
R6	Discharge from Sand/Iron-ore Feeder	PM	0.1	0.1
R8	Sand/Iron Ore Storage Transfer	PM	0.4	1.5
R9	Discharge from Emergency Feeder	PM	0.3	1.0
R10	Discharge of Gypsum Belt	PM	0.8	3.2
R11	Discharge into Secondary Crusher	PM	0.1	0.2
R13	Secondary Crusher Discharge	PM	0.1	0.2
R14	Transfer to #2 Belt	PM	0.1	0.2
R24	Transfer from Portable Crusher to Main Conveyor	PM	0.3	1.3

218. The opacity from sources R3, R4, R11, R13, and R14 shall not exceed 40%. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #10. [§19.503 of Regulation 19 and 40 CFR Part 52, Subpart E]

219. The opacity from sources R6, R9, R10, and R24 shall not exceed 20%. Compliance with the opacity standard shall be demonstrated through compliance with Plantwide Condition #10. [§19.503 of Regulation 19 and 40 CFR Part 52, Subpart E]

220. SN-R1 and SN-R8 shall be operated so that unnecessary air contaminants do not become airborne. Compliance shall be demonstrated through a monthly visual observation of operations at SN-R1 and SN-R8 and the recording of the findings of the visual observations in the facility record. These records shall be kept on site and made available to Department personnel upon request. [§18.901 of Regulation 18]

SN-R2
Chalk Storage Pile

Source Description

Chalk used to create the clinker at this facility is stored in a pile.

Specific Conditions

221. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 223. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.2

222. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 223. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.1	0.3

223. The permittee shall maintain the area of this storage pile at or below 1.50 acres. Compliance shall be demonstrated through compliance with Specific Condition 224. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

224. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the sand storage pile that encompasses an area no greater than 1.50 acres. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

225. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [18.901(A) of Regulation 18 and A.C.A § 8-4-230 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-R5
Gypsum Storage Pile

Source Description

Gypsum used to manufacture Portland cement at this facility is stored in a pile.

Specific Conditions

226. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 228. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.1

227. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 228. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.1	0.1

228. The permittee shall maintain the area of this storage pile at or below 0.22 acre. Compliance shall be demonstrated through compliance with Specific Condition 229. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

229. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the gypsum storage pile that encompasses an area no greater than 0.22 acre. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

230. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [18.901(A) of Regulation 18 and A.C.A § 8-4-230 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-R12
Secondary Crusher

Source Description

This crusher is used to crush the raw materials used at this facility. Chalk, sand, and iron ore are crushed and then transported to the mill building by a conveyor belt.

Specific Conditions

231. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 234. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.2	0.8

232. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 234. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.2	0.8

233. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [§19.503 of Regulation 19, §18.901 of Regulation 18 and, A.C.A § 8-4-230 as referenced by A.C.A. §8-4-304 and §8-4-311]

234. The permittee shall not crush more than 744,000 tons of material per month at this source. Compliance shall be demonstrated through compliance with Specific Condition #235. [§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR 70.6]

235. The permittee shall maintain records of the amount of material crushed at this source. These records shall be maintained on a weekly basis. These records shall be kept on site and made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision #7. [§19.705 of Regulation 19 and 40 CFR Part 52, Subpart E]

236. The permittee shall conduct initial compliance tests for this source provided an initial compliance test has not been previously performed. Any sources for which the facility

has already tested need not be tested again, provided that the facility has documentation and the results of these tests. A copy of this documentation must accompany the results of the initial tests required by this Specific Condition. [§19.503 of Regulation 19, §18.901 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-R17
Long Term Sand Pile

Source Description

Sand used to create the clinker at this facility is stored in a pile.

Specific Conditions

237. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 239. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.2

238. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 239. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.1	0.4

239. The permittee shall maintain the area of this storage pile at or below 1.0 acre. Compliance shall be demonstrated through compliance with Specific Condition 240. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

240. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the long term sand storage pile that encompasses an area no greater than 1.0 acre. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

241. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [18.901(A) of Regulation 18 and A.C.A § 8-4-230 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-R18
Iron Ore Storage Pile

Source Description

Iron ore used to create the clinker at this facility is stored in a pile.

Specific Conditions

242. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 244. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.3

243. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 244. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.2	0.6

244. The permittee shall maintain the area of this storage pile at or below 0.5 acre. Compliance shall be demonstrated through compliance with Specific Condition 245. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

245. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the iron ore storage pile that encompasses an area no greater than 0.5 acre. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

246. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [18.901(A) of Regulation 18 and A.C.A § 8-4-230 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-R19
Sand Storage Pile

Source Description

Sand used to create the clinker at this facility is stored in this pile after being moved from the long term storage pile until it is fed to the clinker.

Specific Conditions

247. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 249. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.1

248. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 249. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.1	0.1

249. The permittee shall maintain the area of this storage pile at or below 0.25 acre. Compliance shall be demonstrated through compliance with Specific Condition 250. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

250. Within thirty days of the effective date of this operating air permit, the permittee shall survey a boundary perimeter to the sand storage pile that encompasses an area no greater than 0.25 acre. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. A copy of these records shall be submitted in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

251. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [18.901(A) of Regulation 18 and A.C.A § 8-4-230 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN-R20
Fugitive Emissions from Plant Haul Roads

Source Description

Equipment and material are moved around the plant via a series of unpaved haul roads. Emissions from these roads were calculated using an equation contained in AP-42 §13.2.2 for unpaved roads.

Specific Conditions

252. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 254. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	3.6	13.4

253. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 254. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	13.1	47.2

254. The permittee shall follow the plant haul road fugitive dust control plan contained in Appendix H of the permit. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 70.6]

SN-R22 & R23

Portable Crusher Diesel Engine and Portable Crusher

Source Description

This crusher is powered by a diesel engine and is used to crush spent kiln brick so that it may be added to the raw materials stored in the mill building, then fed to Kiln #3.

Specific Conditions

255. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 258. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Pollutant	lb/hr	Tpy
R-22	PM_{10}	0.2	0.8
	SO_2	0.2	0.8
	VOC	0.2	0.9
	CO	0.6	2.3
	NO_x	2.5	10.6
R-23	PM_{10}	0.5	0.5

256. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 258. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Pollutant	lb/hr	tpy
R-22	PM	0.2	0.8
R-23	PM	0.5	0.5

257. Visible emissions from these sources shall not exceed 20% opacity. The permittee shall demonstrate compliance with this Specific Condition by conducting a visible opacity observation of these sources at least once each calendar week in which these sources operate and keep a record of these observations. If visible emissions appear to exceed 20% opacity, the permittee shall take corrective action, and perform and record the observation again. If visible emissions still appear to exceed 20% opacity, the permittee shall conduct a 6-minute opacity reading in accordance with EPA Reference Method #9. The records of visible emission observations and results of any Method #9 readings shall

be kept on site for five years and made available to Department personnel upon request. [§19.503 of Regulation 19, and 40 CFR Part 52, Subpart E]

258. The permittee shall not crush more than 59,520 tons of material per month at SN-R23. Compliance shall be demonstrated through compliance with Specific Condition #259. [§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR 70.6]

259. The permittee shall maintain records of the amount of material crushed at SN-R23. These records shall be maintained on a weekly basis. These records shall be kept on site and made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision #7. [§19.705 of Regulation 19 and 40 CFR Part 52, Subpart E]

260. The permittee shall use only #2 fuel oil as fuel at SN-R22. [§19.§19.705 of Regulation 19, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR 70.6]

SN-R25
Emergency Gypsum Storage Pile

Source Description

This pile is in place to allow for storage of gypsum so that production may continue if gypsum deliveries are interrupted.

Specific Conditions

261. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 263. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.1	0.1

262. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 263. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.1	0.1

263. The permittee shall maintain the area of this storage pile at or below 0.28 acre. Compliance shall be demonstrated through compliance with Specific Condition 264. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR Part 70.6 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

264. Within thirty days of the construction of this source, the permittee shall survey a boundary perimeter to the emergency gypsum storage pile that encompasses an area no greater than 0.28 acre. The permittee shall demarcate the perimeter on the ground by stakes, monuments or other permanent markers. At a minimum of once every three months, the permittee shall certify in the facility record that the footprint of the pile is within the confines of the established perimeter. If the footprint of the pile exceeds the established perimeter at any location, the permittee shall survey the pile to ascertain the true area of the pile and make appropriate notations in the facility record. These records shall be kept on site and made available to Department personnel upon request. [§19.705 of Regulation 19, §18.1004 of Regulation 18, 40 CFR 52, Subpart E and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311

SN-Q1
Quarry Haul Road

Source Description

Quarried material is hauled to the crushing area via this road.

Specific Conditions

265. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 267. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	5.2	22.5

266. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 267. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	23.5	102.8

267. The permittee shall water this haul road in accordance with a haul road watering plan. This plan shall be designed to minimize emissions from this source. A copy of this plan shall be kept on site and made available to Department personnel upon request. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 70.6]

SN-Q2
Primary Crusher

Source Description

Quarried chalk is crushed at this source before being hauled to the raw materials storage area. This source was installed prior to the applicability date of NSPS Subpart OOO.

Specific Conditions

268. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 270. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.5	1.9

269. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 270. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	0.5	1.9

270. The permittee shall not crush more than 1,116,000 tons per month at this source. Compliance shall be demonstrated through compliance with Specific Condition 271. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 70.6]

271. The permittee shall maintain records of the amount of material crushed at this source. These records shall be maintained on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. These records shall be kept on site and made available to Department personnel upon request. A report of these records shall be submitted to the Department in accordance with General Provision #7. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 52, Subpart E]

272. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [§19.501 of Regulation 19 and 40 CFR part 52, Subpart E]

Uncontrolled Emission Points in the Quarry

Source Description

The quarry contains many different pieces of equipment. Emissions sources primarily consist of transfer points. The uncontrolled emission rates were found based on equipment maximums using emission factors contained in AP-42 table 11.19.2-2. These sources were installed prior to the applicability date of NSPS Subpart OOO.

Specific Conditions

273. The permittee shall not exceed the emission limits set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

SN	Source Name	Pollutant	lb/hr	tpy
Q3	Transfer from Belt 2N to Belt 1N	PM_{10}	0.1	0.4
Q4	Transfer from Belt 1N to Tripper Belt	PM_{10}	0.1	0.4
Q5	Discharge from Tripper Belt to Chalk Storage	PM_{10}	0.1	0.4
Q6	Scraper Dumping to Auxiliary Crusher	PM_{10}	0.1	0.2
Q7	Hopper 3 Discharge to 1.12 Belt (Auxiliary System)	PM_{10}	0.1	0.2
Q9	Discharge from Belt 1 to Tripper Belt (Auxiliary System)	PM_{10}	0.1	0.2

274. The permittee shall not exceed the emission rates set forth in the following table. Compliance is based on the maximum capacity of the equipment and continuous operation. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

SN	Source Name	Pollutant	lb/hr	tpy
Q3	Transfer from Belt 2N to Belt 1N	PM	0.1	0.4
Q4	Transfer from Belt 1N to Tripper Belt	PM	0.1	0.4
Q5	Discharge from Tripper Belt to Chalk Storage	PM	0.1	0.4
Q6	Scraper Dumping to Auxiliary Crusher	PM	0.1	0.2

SN	Source Name	Pollutant	lb/hr	tpy
Q7	Hopper 3 Discharge to 1.12 Belt (Auxiliary System)	PM	0.1	0.2
Q9	Discharge from Belt 1 to Tripper Belt (Auxiliary System)	PM	0.1	0.2

275. Visible emissions from this source shall not exceed 20% opacity. Compliance shall be demonstrated through compliance with Plantwide Condition #10. [§19.501 of Regulation 19 and 40 CFR part 52, Subpart E]

SN-Q8
Auxiliary Crusher

Source Description

This crusher serves as a backup to SN-Q2.

Specific Conditions

276. The permittee shall not exceed the emission limits set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 278. [§19.501 et seq. of Regulation 19 and 40 CFR Part 52, Subpart E]

Pollutant	lb/hr	tpy
PM_{10}	0.5	2.2

277. The permittee shall not exceed the emission rates set forth in the following table. Compliance shall be demonstrated through compliance with Specific Condition 278. [§18.801 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Pollutant	lb/hr	tpy
PM	1.1	4.7

278. The permittee shall not crush more than 632,400 tons per month at this source. Compliance shall be demonstrated through compliance with Specific Condition 279. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 70.6]

279. The permittee shall maintain records of the amount of material crushed at this source. These records shall be maintained on a monthly basis and updated by the 15th day of the month following the month to which the records pertain. These records shall be kept on site and made available to Department personnel upon request. This source was installed prior to the applicability date of NSPS Subpart OOO. [§19.705 of Regulation 19, §18.1004 of Regulation 18, A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 , and 40 CFR Part 52, Subpart E]

280. Visible emissions from this source shall not exceed 20% opacity. The permittee shall demonstrate compliance with this Specific Condition by conducting a visible opacity observation of the source at least once each calendar week in which the source operates and keep a record of these observations. If visible emissions appear to exceed 20% opacity, the permittee shall take corrective action, and perform and record the observation again. If visible emissions still appear to exceed 20% opacity, the permittee shall conduct

a 6-minute opacity reading in accordance with EPA Reference Method #9. The records of visible emission observations and results of any Method #9 readings shall be kept on site for five years and made available to Department personnel upon request. [§19.501 of Regulation 19 and 40 CFR Part 52, Subpart E]

SECTION V: COMPLIANCE PLAN AND SCHEDULE

Ash Grove Cement Company will continue to operate in compliance with those identified regulatory provisions. The facility will examine and analyze future regulations that may apply and determine their applicability with any necessary action taken on a timely basis.

SECTION VI: PLANTWIDE CONDITIONS

1. The permittee shall notify the Director in writing within thirty (30) days after commencing construction, completing construction, first placing the equipment and/or facility in operation, and reaching the equipment and/or facility target production rate. [Regulation 19, §19.704, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

2. If the permittee fails to start construction within eighteen months or suspends construction for eighteen months or more, the Director may cancel all or part of this permit. [Regulation 19, §19.410(B) and 40 CFR Part 52, Subpart E]

3. The permittee must test any equipment scheduled for testing, unless stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) new equipment or newly modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) operating equipment according to the time frames set forth by the Department or within 180 days of permit issuance if no date is specified. The permittee must notify the Department of the scheduled date of compliance testing at least fifteen (15) days in advance of such test. The permittee shall submit the compliance test results to the Department within thirty (30) days after completing the testing. [Regulation 19, §19.702 and/or Regulation 18 §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

4. The permittee must provide: [Regulation 19, §19.702 and/or Regulation 18, §18.1002 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

   c. Sampling ports adequate for applicable test methods;
   d. Safe sampling platforms;
   e. Safe access to sampling platforms; and
   f. Utilities for sampling and testing equipment.

5. The permittee must operate the equipment, control apparatus and emission monitoring equipment within the design limitations. The permittee shall maintain the equipment in good condition at all times. [Regulation 19, §19.303 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

6. This permit subsumes and incorporates all previously issued air permits for this facility. [Regulation 26 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

7. A treatment process or waste stream is in compliance with the requirements of this subpart and exempt from the requirements of paragraph (c) of this section provided that the owner or operator documents that the treatment process or waste stream is in compliance with other regulatory requirements as follows:

v. The treatment process is 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;

vi. The treatment process is an industrial furnace or boiler burning hazardous waste for energy recovery 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 266, Subpart D.

[A.C.A. §8-4-203 as referenced by A.C.A. §8-4-203 and §3-4-311 and 40 CFR Part 61, Subpart FF, Benzene Waste Operations, §61.348(d)]

8. The facility shall develop and implement a written startup, shutdown, and malfunction plan for those sources indicated as being subject to 40 CFR Part 63, Subpart FF, *National Emission Standards for Hazardous Air Pollutants from Benzene Waste Operations.* The plan shall include those items listed in 40 CFR 63.6(e)(3) et seq. The plan shall be maintained on site and be available to Department personnel upon request. [§19.304 of Regulation 19 and 40 CFR 63.6(e)(3)(i)]

9. The permittee is exempted from certain requirements of this subpart, specifically §§ 63.685 (tanks), 63.688 (containers) and 63.693 (closed vent/containment devices) because the unit is subject to equivalent requirements imposed pursuant to 40 CFR 61, Subpart FF, Benzene Waste Operations. [40 CFR Part 63, Subpart DD, *National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations*]

10. Visible emission observations shall be used as a method of compliance verification for the opacity limits assigned for the sources whose Specific Conditions reference this Plantwide Condition. The weekly observations shall be conducted by someone familiar with the facility's visible emissions.

g. If during the observations, visible emissions are detected which appear to be in excess of the permitted opacity limit, the permittee shall:

i. Take immediate action to identify the cause of the visible emissions,
ii. Implement corrective action, and
iii. If excessive visible emissions are still detected, an opacity reading shall be conducted in accordance with EPA Reference Method 9 for point sources and in accordance with EPA Method 22 for non-point sources. This reading shall be conducted by a person trained and certified in the reference method. If the opacity reading exceeds the permitted limit, further corrective measures shall be taken.
iv. If no excessive visible emissions are detected, the incident shall be noted in the records as described below.

h. The permittee shall maintain records related to all visible emission observations and Method 9 readings. These records shall be updated on an as-performed basis. These records shall be kept on site and made available to Department personnel upon request. These records shall contain:

i. The time and date of each observation/reading any observance of visible emissions appearing to be above permitted limits or any Method 9 reading which indicates exceedance,
ii. The cause of any observed exceedance of opacity limits, corrective actions taken, and results of the reassessment, and
iii. The name of the person conducting the observation/reading.

[§18.1004 of Regulation 18 and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

11. This facility is considered an affected source and is subject, but not limited to, the following requirements. The referenced requirements will also include the applicable Subpart EEE NESHAP amendments promulgated by the EPA and as incorporated in the Code of Federal Regulations. Alternatives to the requirements contained in this permit must be approved by the Administrator. Once the Department has received written notification of approval of alternative requirements, the alternate requirements may be implemented. These requirements shall not be in effect for existing affected sources until September 30, 2003, unless an extension of this deadline is granted by the Administrator. [§19.304 of Regulation 19 and 40 CFR 63, Subpart EEE, *National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors*]

Emission Limits

a. The permittee shall not discharge or cause combustion gases to be emitted into the atmosphere that contain Pursuant to §63.1204(a),:
   i. For dioxins and furans:
      1. Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or
      2. Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial dry particulate matter control device is 400 °F or lower based on the average of the test run average temperatures;
   ii. Mercury in excess of 120 µg/dscm corrected to 7 percent oxygen;
   iii. Lead and cadmium in excess of 330 µg/dscm, combined emissions, corrected to 7 percent oxygen;
   iv. Arsenic, beryllium, and chromium in excess of 56 µg/dscm, combined emissions, corrected to 7 percent oxygen;
   v. Carbon monoxide and hydrocarbons.

3. For kilns equipped with a by-pass duct or midkiln gas sampling system, either:
    a. Carbon monoxide in the by-pass duct or midkiln gas sampling system in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in the by-pass duct in excess of 10 parts per million by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by §63.1206(b)(7); or
    b. Hydrocarbons in the by-pass duct or midkiln gas sampling system in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen and reported as propane;
4. For kilns not equipped with a by-pass duct or midkiln gas sampling system, either;
    a. Hydrocarbons in the main stack in excess of 20 ppm by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or
    b. Carbon monoxide in the main stack in excess of 100 ppm by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen, and hydrocarbons in the main vent stack in excess of 20 ppm by volume over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen and reported as propane, at any time during the DRE test runs or their equivalent as provided by §63.1206(b)(7).

vi. Hydrochloric acid and chlorine gas in excess of 130 ppm by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis, corrected to 7 percent oxygen; and

vii. Particulate matter in excess of 0.15 kg/Mg dry feed and opacity greater than 20 percent.

5. The permittee must use suitable methods to determine the kiln raw material feedrate.

6. Except as provided in paragraph (a)(7)(iii) of this section, the permittee must compute the particulate matter emission rate, E, from the following equation:

$$E = (C_s \times Q_{sd})/P$$

Where:
E = emission rate of particulate matter, kg/Mg of raw material feed;
C_s= concentration of particulate matter, kg/dscm
Q_{sd}= volumetric flowrate of effluent gas, dscm/hr
P = total kiln raw material feed (dry basis), Mg/hr.

7. If the permittee operates a preheater or preheater/precalciner kiln with dual stacks, they must test simultaneously and compute the combined particulate matter emission rate, E_c, from the following equation:

$$E_c = (C_{sk} \times Q_{sdk} + C_{sb} \times Q_{sdb})/P$$

Where:

E_c = the combined emission rate of particulate matter from the kiln and bypass stack, kg/Mg of raw material feed;
C_{sk} = concentration of particulate matter in the kiln effluent, kg/dscm;
Q_{sdk} = volumetric flowrate of kiln effluent gas, dscm/hr;
C_{sb} = concentration of particulate matter in the bypass stack effluent, kg/dscm;
Q_{sdb} = volumetric flowrate of bypass stack effluent gas, dscm/hr;
P = total kiln raw material feed (dry basis), Mg/hr

Destruction and removal efficiency (DRE) standard

b. Except as provided in paragraph (c)(2) of this section, the permittee must achieve a destruction and removal efficiency of 99.99% for each principle organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. The permittee must calculate DRE for each POHC from the following equation:

$$DRE = [1-(W_{out}/W_{in})]\times 100\%$$

Where:
W_{in}=mass feedrate of one POHC in a waste feedstream; and
W_{out}= mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

[§63.1204(c)(1)]

c. If the permittee burns dioxin-listed hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27 (see §261.31 of this chapter), the permittee must achieve a DRE of 99.9999% for each POHC that is designated under paragraph (c)(3) of this section. The permittee must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetro-, penta, and hexachlorodibenzo-p-dioxins and dibenzofurans. The equation in paragraph (c)(1) of this section shall be used to calculate DRE for each POHC. In addition, the permittee must notify the Administrator of the intent to burn hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27. [§63.1204(c)(2)]

d. The permittee must treat the POHCs in the waste feed that are specified under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section. [§63.1204(c)(3)(i)]

e. The permittee must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by §63.60, for each waste to be burned. The permittee must base this specification on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information. [§63.1204(c)(3)(ii)]

Compliance Date:

f. The permittee must comply with the standards set forth in this subpart no later than September 30, 2003 unless the Administrator grants an extension of time under §63.6(i) or §63.1213. [§63.1206(a)(1)]

g. The emission standards and operating requirements set forth in this subpart apply at all times except:
   i. During startup, shutdown, and malfunction, provided that hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cutoff for a period time not less than the hazardous waste residence time) during those periods of operation, as provided by paragraph (c)(2)(ii) of this section; and
   ii. When hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cutoff for a period time not less than the hazardous waste residence time) , and the permittee has
      1. submitted a written, one-time notice to the Administrator documenting compliance with all applicable requirements and standards promulgated under authority of the Clean Air Act, including sections 112 and 129; and

2. Documented in the operating record that you are complying with such applicable requirements in lieu of the emission standards and operating requirements of this subpart.

[§63.1206(b)(1)]

Applicability of particulate matter and opacity standards during particulate matter correlation tests

h. Any particulate matter and opacity standards or any permit or other emissions operating parameter limits or conditions, including any limitation on workplace practices, that are applicable to hazardous waste combustors to insure compliance with any particulate matter or opacity standard of parts 60, 61, 63, 264, 265, and 266 of this chapter (i.e., any title 40 particulate or opacity standards) applicable to hazardous waste combustor do not apply while the permittee conducts particulate matter continuous emissions monitoring system (CEMS) correlation tests. [§63.1206(b)(8)(i) and (ii)]

i. For provisions of this section to apply, the permittee must develop a particulate matter CEMS correlation test plan that includes the following information. This test plan may be included as part of the comprehensive performance test plan required under §§63.1207(e) and (f):
   i. Number of test conditions and number of runs for each test condition;
   ii. Target particulate matter emission level for each test condition;
   iii. How you plan to modify operations to attain the desired particulate matter emission levels; and
   iv. Anticipated normal emission levels; and
   v. Submit the test plan to the Administrator for approval at least 90 calendar days before the correlation test is scheduled to be conducted.

[§63.1206(b)(8)(iii)(A) and (B)]

j. If the Administrator fails to approve or disapprove the correlation test plan with the time period specified by §63.7(c)(3)(i), the plan is considered approved, unless the Administrator has requested additional information. [§63.1206(b)(8)(iv)]

k. The particulate matter and associated operating limits and conditions will not be waived for more than 96 hours, in the aggregate, for a correlation test, including all runs of all test conditions, unless more time is approved by the Administrator. [§63.1206(b)(8)(v)]

l. The permittee must return to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed. [§63.1206(b)(8)(vii)]

Alternative Standards for Existing Hazardous Waste Burning Cement Kilns Using MACT

m. The permittee may petition the Administrator to recommend alternative semivolatile, low volatile metal, mercury, and/or hydrochloric acid/chlorine gas emission standards if:
   i. The permittee cannot achieve one or more of the standards while using MACT because of raw material contributions to emissions of the regulated metals or hydrochloric acid/chlorine gas; or
   ii. The permittee determines that mercury is not present at detectable levels in the raw material.

[§63.1206(b)(10)(i)]

n. The alternative standard recommended under paragraph (b)(10)(i)(A) of this section may be an operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine and/or an emission limitation. [§63.1206(b)(10)(ii)]

o. The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(10)(viii) and (ix) of this section. [§63.1206(b)(10)(iii)]

p. The alternative standard petitions submitted under this section must include data or information required by this section. [§63.1206(b)(10)(iv)(A) through §63.1206(b)(10)(ix)(D)]

Calculation of hazardous waste residence time

q. The permittee must calculate the hazardous waste residence time and include the calculation in the performance test plan under §63.1207(f) and the operating record. The permittee must also provide the hazardous waste residence time in the Documentation of Compliance under §63,1211(d) and the Notification of Compliance under §§63.1207(j) and 63.1210(d). [§63.1206(b)(11)]

Documenting compliance with the standard based on performance testing

r. The permittee must conduct a minimum of three runs of a performance test required under §63.1207 to document compliance with the emission standards of this subpart. [§63.1206(b)(12)(i)]

s. The permittee must document compliance with the emission standards based on the arithmetic average of the emission results of each run, except that the permittee must document compliance with the destruction and removal efficiency standard for each run of the comprehensive performance test individually. [§63.1206(b)(12)(ii)]

Cement kilns which feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired.

t. Cement kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the carbon monoxide and hydrocarbon standards of §63.1204 as follows:

i. Existing sources must comply with the 20 parts per million by volume hydrocarbon limit, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7% oxygen, and reported as propane.

[§63.1206(b)(13)(i)]

General Operating Requirements

u. The permittee must operate only under the operating requirements specified in the Documentation of Compliance under §63.1211(d) or the Notification of Compliance under §§63.1207(j) and 63.1210(d), except:

i. During performance tests under approved test plans according to §63.1207(e), (f), and (g), and [§63.1206(c)(1)(i)(A)]

ii. Under the conditions of paragraph (b)(1)(i) or (ii) of this section [§63.1206(c)(1)(i)(B)(i)]

1. The Documentation of Compliance and the Notification of Compliance must contain operating requirements including, but not limited to, the operating requirements of this section and §63.1209. [§63.1206(c)(1)(i)(B)(ii)]
2. Failure to comply with the operating requirements is failure to ensure compliance with the emissions standards of this subpart. [§63.1206(c)(1)(i)(B)(iii)]
3. Operating requirements in the Notification of Compliance are applicable requirements for purposes of parts 70 and 71 of this chapter. [§63.1206(c)(1)(i)(B)(iv)]
4. The operating requirements specified in the Notification of Compliance will be incorporated in the Title V permit. [§63.1206(c)(1)(i)(B)(v)]

[§63.1206(c)(1)(i)]

v. Except as provided in by paragraph (c)(2)(ii) of this section, the permittee is subject to the startup, shutdown, and malfunction plan requirements of §63.6(e)(3).

i. The permittee is subject to the startup, shutdown, and malfunction plan requirements of §63.6(e)(3) even if the permittee follows the startup and shutdown procedures and the corrective measures upon malfunction that are prescribed in the startup, shutdown, and malfunction plan, the emission combustion chamber. [§63.1206(c)(2)(ii)]
ii. The permittee must identify in the plan the projected oxygen correction factor based on normal operations to use during periods of startup and shutdown. [§63.1206(c)(2)(iii)]
iii. The permittee must record the plan in the operating record. [§63.1206(c)(2)(iv)]

[§63.1206(c)(2)(i)]

w. Upon the compliance date, the permittee must operate the combustor with a functioning system that immediately and automatically cuts off the hazardous waste feed, except as provided by paragraph (c)(3)(viii) of this section, when the following conditions apply:

i. When operating parameter limits specified under §63.1209; an emission standard monitored by CEMS; and the allowable combustion chamber pressure; [§63.1206(c)(3)(i)(A)]
ii. When the span value of any CMS detector, except a CEMS, is met or exceeded; [§63.1206(c)(3)(i)(B)]
iii. Upon malfunction of a CMS monitoring an operating parameter limit specified under §63.1209 or an emission level; or [§63.1206(c)(3)(i)(C)]
iv. When any component of the automatic waste feed cutoff system fails. [§63.1206(c)(3)(i)(D)]

[§63.1206(c)(3)(i)]

x. During an automatic waste feed cutoff (AWFCO) the permittee must continue to duct combustion gases to the air pollution control system while hazardous waste remains in the combustion chamber. [§63.1206(c)(3)(ii)]

y. The permittee must continue to monitor during the cutoff the operating parameters for which limits are established under §63.1209 and the emissions required under that section to be monitored by a CEMS, and the permittee shall not restart the hazardous waste feed until the operating parameters and emission levels are within specified limits. [§63.1206(c)(3)(iii)]

z. If the AWFCO system fails to automatically and immediately cutoff the flow of hazardous waste upon exceedance of a parameter required to be interlocked with the AWFCO system under paragraph (c)(3)(i) of this section, the permittee has failed to comply with the AWFCO requirements of paragraph (c)(3) of this section. [§63.1206(c)(3)(iv)]

aa. If, after any AWFCO, there is an exceedance of any emission standard or operating requirement, irrespective of whether the exceedance occurred while hazardous waste remained in the combustion chamber, the permittee shall investigate the cause of the AWFCO, take appropriate corrective measures to minimize future AWFCOs and record the findings and corrective measures in the operating record. [§63.1206(c)(3)(v)]

bb. For each set of 10 exceedances of an emissions standard or operating requirement while hazardous waste remains in the combustion chamber during a 60-day block period, the permittee must submit to the Administrator a written report within 5 calendar days of the 10^{th} exceedance documenting the exceedances and the results of the investigation and corrective measures taken. [§63.1206(c)(3)(vi)(A)]

cc. On a case-by-case basis, the Administrator may require excessive exceedance reporting when fewer than 10 exceedances occur during a 60-day block period. [§63.1206(c)(3)(vi)(B)]

dd. The AWFCO system and associated alarms must be tested at least weekly to verify operability, unless the permittee documents in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, the permittee must conduct operability testing at least monthly. The permittee must document and record in the operating record AWFCO operability test procedures and results. [§63.1206(c)(3)(vii)]

ee. The permittee shall use a COMS to demonstrate and monitor compliance with the opacity standard under §§63.1204(a)(7) and (b)(7) at each point where emissions are vented from these affected sources including the bypass stack of a preheater/precalciner kiln with dual stacks. [§63.1209(a)(1)(ii)]

ff. The permittee is subject to the combustion system leak control system operating and reporting requirements set forth in this section. [§63.1206(c)(5)(i through ii)]

gg. The permittee is subject to the operator training and certification standards set forth in this section. [§63.1206(c)(6)(i through v)]

hh. The permittee must prepare and at all times operate according to an operation and maintenance plan which complies with the requirements set forth in these sections. [§63.1206(c)(7)(i)(A-D)]

Performance Testing Requirements

ii. The permittee must conduct performance testing in accordance with the applicable requirements contained in this section. [§63.1207(a-n)]

jj. The permittee must commence the initial comprehensive performance test not later than six months after the compliance date. [§63.1207(c)(1)]

kk. The permittee may request that previous emissions test data serve as documentation of conformance with the emission standards of this subpart provided that the previous testing:

i. Results in data that meet quality assurance objectives (determined on a site-specific basis) such that the results adequately demonstrate compliance with the applicable standard;
ii. Was in conformance with the requirements of paragraph (g)(1) of this section; and,
iii. Was sufficient to establish the applicable operating parameter limits under §63.1209.

[§63.1207(C)(2)(i)]

ll. The permittee must conduct testing periodically as described in paragraphs (d)(1) through (3) of this section. The date of commencement of the initial comprehensive performance test is the basis for establishing the deadline to commence the initial confirmatory performance test and the next comprehensive performance test. The permittee may conduct performance testing at any time prior to the required date. The deadline for commencing subsequent confirmatory and comprehensive performance testing is based on the date of commencement of the previous comprehensive performance test.

i. The permittee must commence testing no later than 61 months after the date of commencing the previous comprehensive performance test.
ii. The permittee must commence confirmatory performance testing no later than 31 months after the date of commencing the previous comprehensive performance test. To insure that the confirmatory test is conducted approximately midway between comprehensive performance tests, the Administrator will not approve a test plan that schedules testing within 18 months of commencing the previous comprehensive performance test.
iii. The permittee must complete performance testing within 60 days after the date of commencement, unless the Administrator determines that a time extension is warranted based on documentation in writing of factors

beyond the permittee's control that prevent testing from being completed within 60 days.

[§63.1207(d)(1) through (3)]

mm. The permittee must submit to the Administrator a notification of intent to conduct a comprehensive performance test and CMS performance evaluation and a site specific test plan and CMS performance evaluation plan at least one year before the performance test and performance evaluation are scheduled to begin. [§63.1207(e)(i)]

nn. The permittee must submit to the Administrator a notification of intent to conduct the comprehensive performance test at least 60 calendar days before the test is scheduled to begin. [§63.1207(e)(i)(B)]

oo. The permittee must submit to the Administrator a notification of intent to conduct a confirmatory performance test and CMS performance evaluation and a test plan and CMS performance evaluation plan at least 60 calendar days before the performance test is scheduled to begin. [§63.1207(e)(ii)]

Test Methods

pp. The permittee shall use the test methods contained in this section when determining compliance with the emissions standards of this subpart. [§63.1208(a-b)]

Monitoring Requirements

qq. The permittee is subject to the applicable monitoring requirements contained in these sections. [§63.1209 (a-q)]

rr. The permittee must use a CEMS to demonstrate and monitor compliance with the carbon monoxide and hydrocarbon standards under this subpart. The permittee must also use an oxygen CEMS to continuously correct the carbon monoxide and hydrocarbon levels to 7 percent oxygen. [§63.1209(a)(1)(i)]

ss. The permittee must install, calibrate, maintain, and operate a particulate matter CEMS to demonstrate and monitor compliance with the particulate matter standards under this subpart. However, compliance with the requirements in their section to install, calibrate, maintain, and operate the PM CEMS is not required until such time that the Agency promulgates all performance specifications and operational requirements applicable to PM CEMS. [§63.1209(a)(1)(iii)]

tt. The permittee must install, calibrate, maintain, and continuously operate the COMS and CEMS in compliance with the quality assurance procedures provided in the appendix to this subpart and Performance Specifications 1 (opacity), 4B (carbon monoxide and oxygen), and 8A (hydrocarbons) in Appendix B, Part 60 of this chapter. [§63.1209(a)(2)]

uu. Prior to feeding the material, the permittee must obtain an analysis of each feedstream that is sufficient to document compliance with the applicable feedrate limits provided in this section. [§63.1209(c)(1)]

vv. The permittee must develop and implement a feedstream analysis plan and record it in the operating record. [§63.1209(c)(2)]

ww. The permittee must submit the feedstream analysis plan to the Administrator for review and approval, if requested. [§63.1209(c)(3)]

xx. To comply with the applicable feedrate limits of this section, the permittee must monitor and record the feedrates as follows:

i. Determine and record the value of the parameter for each feedstream by sampling and analysis or other method;
ii. Determine and record the mass or volume flowrate of each stream by a CMS. If the permittee determines flowrate of a feedstream by volume, the permittee must determine and record the density of the feedstream by sampling and analysis (unless the permittee reports the constituent concentration in units of weight per volume); and
iii. Calculate and record the mass feedrate of the parameter per unit time.

[§63.1209(c)(4)]

yy. The requirements of §§63.8(d) (Quality control program) and (e) (Performance evaluation of continuous monitoring systems) apply, except that the permittee must conduct performance evaluations components of the CMS under the frequency and procedures (for example, submittal of performance evaluation test plan for review and approval) applicable to performance tests as provided by §63.1207. [§63.1209(d)(1)]

zz. To remain in compliance with the destruction and removal efficiency (DRE) standards, the permittee must establish operating limits during the comprehensive performance test (or during a previous DRE test under provisions of §63.1206(b)(7)) for the following parameters, unless the limits are based on manufacturer specifications and comply with those limits at all times that hazardous waste remains in the combustion chamber. [§63.1209(j)]

aaa. The permittee must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the

combustion zone. The permittee must document the temperature measurement location in the test plan submitted under §63.1207(e). [§63.1209(j)(1)(i)]

bbb. As an indicator of gas residence time in the control device, the permittee must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that is documented in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run. [§63.1209(j)(2)(i)]

ccc. The permittee must establish limits on the maximum pumpable and total (i.e., pumpable and nonpumpable) hazardous waste feedrate for each location where hazardous waste is fed. [§63.1209(j)(3)(i)]

ddd. The permittee must specify operating parameters and limits to insure that good operation of each hazardous waste firing system is maintained. [§63.1209(j)(4)]

eee. The permittee must comply with the dioxin and furans emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications. [§63.1209(k)]

fff. The permittee must establish a limit on the maximum temperature of the gas at the inlet to the device on an hourly rolling average. The permittee must establish the hourly rolling average limit as the average of the test run averages. [§63.1209(k)(1)(i)]

ggg. The permittee must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the combustion zone. The permittee must document the temperature measurement location in the test plan. [§63.1209(k)(2)(i)]

hhh. As an indicator of gas residence time in the control device, the permittee must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate , or another parameter which is an appropriate surrogate for residence time. [§63.1209(k)(3)(i)]

iii. The permittee must establish limits on the maximum pumpable and total (pumpable and nonpumpable) waste feedrate for each location where waste is fed. [§63.1209(k)(4)(i)]

jjj. The permittee must comply with the particulate matter emission standard by establishing and complying with the operating parameter limits found in §63.1209(m) of this subpart. [§63.1209(m)]

kkk. If the combustor is equipped with a baghouse, the permittee must establish a limit on the minimum pressure drop and the maximum pressure drop across each baghouse cell based on manufacturer's specifications. The permittee must comply with the limit on an hourly rolling average. [§63.1209(m)(1)(ii)]

lll. The permittee must comply with the semivolatile metal (cadmium and lead) and low volatile metal (arsenic, beryllium, and chromium) emission standards by establishing and complying with the following operating parameter limits.

i. The permittee must establish a limit on the maximum inlet temperature to the primary dry metals emissions control device on an hourly rolling basis as the average of the test run averages. [§63.1209(n)(1)]
ii. The permittee must establish feedrate limits for semivolatile metals and low volatile metals. [§63.1209(n)(2)(i)]
iii. The permittee must establish operating parameter limits on the particulate matter control device as specified by paragraph 63.1209(m)(1). [§63.1209(n)(3)]
iv. The permittee must establish a 12-hour rolling average limit for the feedrate of total chlorine and chloride in all feedstreams as the average of the average hourly rolling averages for each run. [§63.1209(n)(4)]

[§63.1209(n)]

mmm. If the permittee complies with the requirements for combustion system leaks under §63.1206(c)(5) by maintaining combustion chamber zone pressure lower than ambient pressure, the permittee must monitor the pressure instantaneously and the automatic waste feed cutoff system must be engaged when negative pressure is not maintained at any time. [§63.1209(p)]

Notification Requirements

nnn. The permittee shall submit all of the applicable notifications prior to the deadlines established in this subpart. [§63.1210(a)(1)]

ooo. The permittee must submit the required notifications outlined in this section to the Administrator in order to request or elect to comply with the alternative requirements contained in this subpart. [§63.1210(a)(2)]

ppp. Upon postmark of the Notification of Compliance, the operating parameter limits identified in the Notification of Compliance, as applicable, shall be complied with, the limits identified in the Document of Compliance or a previous Notification of Compliance are no longer applicable. [§63.1210(d)(2)]

Recordkeeping and Reporting Requirements

qqq. The permittee shall submit the reports required by this subpart to the Administrator prior to the deadlines set forth in this subpart. [§63.1211]

Procedure for Extending the Compliance Date

rrr. The permittee may request an extension of the compliance date to install pollution prevention or waste minimization controls provided that the conditions outlined in this section are met. [§63.1213]

12. This facility is considered an affected facility and is subject, but not limited to, the following requirements. The referenced requirements will also include the applicable Subpart LLL NESHAP amendments promulgated by the EPA and as incorporated in the Code of Federal Regulations. [§19.304 of Regulation 19 and 40 CFR Part 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry*]

Standards for kilns

a. The permittee shall not cause to be discharged into the atmosphere from these affected sources any gases which:
   i. Contain particulate matter (PM) in excess of 0.15 kg per Mg (0.30 lb per ton) of feed (dry basis) to the kiln. When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the combined particulate matter emissions from the kiln or in-line kiln/raw mill and the alkali bypass are subject to this emission limit.
   ii. Exhibit opacity greater than 20 percent.
   iii. Contain D/F in excess of:
      1. 0.20 ng per dscm (8.7×10^{-11} gr per dscf) (TEQ) corrected to seven percent oxygen; or
      2. 0.40 ng per dscm (1.7×10^{-10} gr per dscf) (TEQ) corrected to seven percent oxygen, when the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204 °C (400 °F) or less.

   [§63.1343(b)]

b. A kiln subject to the D/F limitation under §63.1343 must operate the kiln such that the temperature of the gas at the inlet to the kiln particulate matter control device (PMCD) and alkali bypass PMCD, if applicable, does not exceed the applicable temperature limit specified in paragraph (b) of this section. [§63.1344(a)]

c. The temperature limit for affected sources meeting the limits of paragraph (a) of this section or paragraphs (a)(1) through (a)(3) of this section is determined in accordance with §63.149(b)(3)(iv). [§63.1344(b)]

Standards for Clinker Coolers

d. The permittee shall not cause to be discharged into the atmosphere from any clinker cooler any gases which:
   i. Contain particulate matter in excess of 0.050 kg per Mg (0.10 lb per ton) of feed (dry basis) to the kiln.
   ii. Exhibit opacity greater than 10 percent.

[§63.1345(a)]

Standards for Raw and Finish Mills

e. The permittee shall not cause to be discharged from the mill sweep or air separator air pollution control devices for each finish mill any gases which exhibit opacity in excess of ten percent. [§63.1347]

Standards for affected sources other than kilns; in-line kilns/raw mills; new and reconstructed raw material dryers; and raw and finish mills

f. The owner or operator of each new or existing raw material, clinker or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing raw material dryer, at a facility which is a major source subject to the provision of this subpart shall not cause to be discharged any gases from these affected sources which exhibit opacity in excess of ten percent. [§63.1348]

Performance testing requirements

g. The permittee shall use the test methods and procedures contained in this section to demonstrate compliance with the emissions limits set forth by this subpart. [§63.1349]

Monitoring requirements

h. The owner or operator of each portland cement plant shall prepare for each affected source subject to the provisions of this subpart, a written operations and maintenance plan. The permittee shall also comply with all applicable monitoring requirements contained in this section. [§63.1350]

Compliance dates

i. Existing sources shall comply with this subpart no later than June 14, 2002. [§63.1351(a)]

j. The compliance date for new construction or reconstruction after March 24, 1998 is immediately upon start of operations. [§63.1351(b)]

Notification requirements

k. The permittee shall comply with all applicable notification requirements set forth in this section. [§63.1353(a)]

Reporting Requirements

l. The permittee shall comply with all applicable reporting requirements set forth in this section. [§63.1354(a)]

Recordkeeping Requirements

m. The permittee shall comply with all applicable recordkeeping requirements set forth in this section. [§63.1355(a)]

13. The facility shall develop and implement a written startup, shutdown, and malfunction plan for sources subject to 40 CFR 63, Subpart EEE, *National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.* The plan shall include those items listed in 40 CFR 63.6(e)(3) et seq. The plan shall be maintained on site and be available to Department personnel upon request. [§19.304 and 40 CFR 63.6(e)(3)(i)]

14. The facility shall develop and implement a written startup, shutdown, and malfunction plan for sources subject to 40 CFR 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.* The plan shall include those items listed in 40 CFR 63.6(e)(3) et seq. The plan shall be maintained on site and be available to Department personnel upon request. [§19.304 and 40 CFR 63.6(e)(3)(i)]

15. The visible emission observations shall be used as a method of compliance verification for the opacity limits assigned for the sources whose Specific Conditions reference this Plantwide Condition. The monthly observations shall be conducted by someone familiar with the facility's visible emissions.

n. If during the observations, visible emissions are detected which appear to be in excess of the permitted opacity limit, the permittee shall:

iii. Take immediate action to identify the cause of the visible emissions,

iv. Implement corrective action, and
v. If excessive visible emissions are still detected, an opacity reading shall be conducted in accordance with EPA Reference Method 9. This reading shall be conducted by a person trained and certified in the reference method. If the opacity reading exceeds the permitted limit, further corrective measures shall be taken.
vi. If no excessive visible emissions are detected, the incident shall be noted in the records as described below.

o. The permittee shall maintain records related to all visible emission observations and Method 9 readings. These records shall be updated on an as-performed basis. These records shall be kept on site and made available to Department personnel upon request. These records shall contain:

vii. The time and date of each observation/reading any observance of visible emissions appearing to be above permitted limits or any Method 9 reading which indicates exceedance,
viii. The cause of any observed exceedance of opacity limits, corrective actions taken, and results of the reassessment, and
ix. The name of the person conducting the observation/reading.

[§18.1004 of Regulation 18, 40 CFR Part 63, Subpart LLL and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

16. The permittee may choose to comply with the emission standards set forth in 40 CFR part 63, Subpart LLL when hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cutoff for a period time not less than the hazardous waste residence time). The permittee must document in the facility record when they are operating under 40 CFR 63, Subpart LLL. These records shall be maintained on site and made available to Department personnel upon request. [§19.304 of Regulation 19, and 40 CFR Part 63, Subpart EEE, §63.1206(b)(1)]

Title VI Provisions

17. The permittee must comply with the standards for labeling of products using ozone-depleting substances. [40 CFR Part 82, Subpart E]

p. All containers containing a class I or class II substance stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced to interstate commerce pursuant to §82.106.
q. The placement of the required warning statement must comply with the requirements pursuant to §82.108.
r. The form of the label bearing the required warning must comply with the requirements pursuant to §82.110.

s. No person may modify, remove, or interfere with the required warning statement except as described in §82.112.

18. The permittee must comply with the standards for recycling and emissions reduction, except as provided for MVACs in Subpart B. [40 CFR Part 82, Subpart F]

t. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
u. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
v. Persons performing maintenance, service repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
w. Persons disposing of small appliances, MVACs, and MVAC like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC like appliance" as defined at §82.152)
x. Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to §82.156.
y. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

19. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.

20. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC 22 refrigerant.

21. The permittee can switch from any ozone depleting substance to any alternative listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G.

Permit Shield

22. Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements, as of the date of permit issuance, included in and specifically identified in the following table of this condition. The permit specifically identifies the following as applicable requirements based upon the information submitted by the permittee in an application dated October 1996, as amended in September 1997, December 1998, April 1999, and October 2000.

Applicable Regulations

Source No.	Regulation	Description
F19, F20	40 CFR 60, Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984
P1, P2, P3	40 CFR 63, Subpart EEE	Emission Standards for Hazardous Waste Combustors
P5, P6, P8, P10, P11, P12, P13, P15, P16, P17, P18, P19, P20, P26, P27, P28, P29, P30, P31, M1, M3, M4, M8, M9, M10, M11, M12, M13, M14, M15, M16, M17, M18, M19, M20, M21, M22, M23, M24, M25, M26, M27, M28, M29, M30, M31, M32, M33, M34, M35, M36, M37, M38, M39, M40, M42, M43, M44, M45, S1, S3-S13, C1-C11, C13-C21, C26-C28, C32-C35, C41-C44	40 CFR 63, Subpart LLL	Emission Standards for Portland Cement Plants
F19, F20 Facility	40 CFR 61, Subpart FF 40 CFR 63, Subpart DD	Benzene Waste Operations
Facility	Arkansas Regulation 19	Compilation of Regulations of the Arkansas State Implementation Plan for Air Pollution Control

Source No.	Regulation	Description
Facility	Arkansas Regulation 26	Regulations of the Arkansas Operating Air Permit Program

The permit specifically identifies the following as inapplicable based upon information submitted by the permittee in an application dated October 1996, as amended September 1997, December 1998, and April 1999.

Inapplicable Regulations

Description of Regulation	Regulatory Citation	Affected Source	Basis for Determination
New Source Performance Standards	40 CFR 60, Subpart F	P1, P2, P3, P6, M16, M17, M18, M19, M20, M42, M43, M44, S4, S6, S7, S8, S9, S10, S11, S12, S13, C13	Units were constructed prior to the effective date of the subpart
New Source Performance Standards	40 CFR 60, Subpart Y	P4, P7, P9, P24	Final Direct Rule (April 5, 2002) [FR-7168-1]
New Source Performance Standards	40 CFR 60, Subpart OOO	Facility	Sources installed before applicability date or subject to Subpart F are exempt from OOO.
National Emission Standards for Hazardous Air Pollutants	40 CFR 61, Subpart DD	Facility	Facility subject to FF exempt from requirements of this subpart.

SECTION VII: INSIGNIFICANT ACTIVITIES

The following sources are insignificant activities. Any activity that has a state or federal applicable requirement shall be considered a significant activity even if this activity meets the criteria of §26.304 of Regulation 26 or listed in the table below. Insignificant activity determinations rely upon the information submitted by the permittee in an application dated October 30, 2000. [Regulation 26, §26.304]

Description	Category
Piles associated with clean-up	Group A, #13
Auxiliary drive to turn kilns	Group A, #13
11,000 gallon oil tank	Group A, #13
11,000 gallon oil tank	Group A, #13
250 gallon fuel tank	Group A, #2
10,000 gallon diesel UST	Group A, #3
10,000 gallon unleaded UST	Group A, #13
8,000 diesel tank	Group A, #3
600 gallon tank	Group A, #3

SECTION VIII: GENERAL PROVISIONS

1. Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 et seq.) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Regulation 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 et seq.). Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 et seq.) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute. [40 CFR 70.6(b)(2)]

2. This permit shall be valid for a period of five (5) years beginning on the date this permit becomes effective and ending five (5) years later. [40 CFR 70.6(a)(2) and §26.701(B) of the Regulations of the Arkansas Operating Air Permit Program (Regulation 26), effective August 10, 2000]

3. The permittee must submit a complete application for permit renewal at least six (6) months before permit expiration. Permit expiration terminates the permittee's right to operate unless the permittee submitted a complete renewal application at least six (6) months before permit expiration. If the permittee submits a complete application, the existing permit will remain in effect until the Department takes final action on the renewal application. The Department will not necessarily notify the permittee when the permit renewal application is due. [Regulation 26, §26.406]

4. Where an applicable requirement of the Clean Air Act, as amended, 42 U.S.C. 7401, et seq. (Act) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, the permit incorporates both provisions into the permit, and the Director or the Administrator can enforce both provisions. [40 CFR 70.6(a)(1)(ii) and Regulation 26, §26.701(A)(2)]

5. The permittee must maintain the following records of monitoring information as required by this permit. [40 CFR 70.6(a)(3)(ii)(A) and Regulation 26, §26.701(C)(2)]

   g. The date, place as defined in this permit, and time of sampling or measurements;
   h. The date(s) analyses performed;
   i. The company or entity performing the analyses;
   j. The analytical techniques or methods used;
   k. The results of such analyses; and
   l. The operating conditions existing at the time of sampling or measurement.

6. The permittee must retain the records of all required monitoring data and support information for at least five (5) years from the date of the monitoring sample,

measurement, report, or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [40 CFR 70.6(a)(3)(ii)(B) and Regulation 26, §26.701(C)(2)(b)]

7. The permittee must submit reports of all required monitoring every six (6) months. If permit establishes no other reporting period, the reporting period shall end on the last day of the anniversary month of the initial Title V permit. The report is due within thirty (30) days of the end of the reporting period. Although the reports are due every six months, each report shall contain a full year of data. The report must clearly identify all instances of deviations from permit requirements. A responsible official as defined in Regulation No. 26, §26.2 must certify all required reports. The permittee will send the reports to the address below: [40 C.F.R. 70.6(a)(3)(iii)(A) and Regulation 26, §26.701(C)(3)(a)]

Arkansas Department of Environmental Quality
Air Division
ATTN: Compliance Inspector Supervisor
Post Office Box 8913
Little Rock, AR 72219

8. The permittee shall report to the Department all deviations from permit requirements, including those attributable to upset conditions as defined in the permit.

a. For all upset conditions (as defined in Regulation19, § 19.601), the permittee will make an initial report to the Department by the next business day after the discovery of the occurrence. The initial report my be made by telephone and shall include:

x. The facility name and location
xi. The process unit or emission source deviating from the permit limit,
xii. The permit limit, including the identification of pollutants, from which deviation occurs,
xiii. The date and time the deviation started,
xiv. The duration of the deviation,
xv. The average emissions during the deviation,
xvi. The probable cause of such deviations,
xvii. Any corrective actions or preventive measures taken or being taken to prevent such deviations in the future, and
xviii. The name of the person submitting the report.

The permittee shall make a full report in writing to the Department within five (5) business days of discovery of the occurrence. The report must include, in addition to the information required by the initial report, a schedule of actions taken or planned to eliminate future occurrences and/or to minimize the amount the permit's limits were exceeded and to reduce the length of time the limits were exceeded. The

permittee may submit a full report in writing (by facsimile, overnight courier, or other means) by the next business day after discovery of the occurrence, and the report will serve as both the initial report and full report.

b. For all deviations, the permittee shall report such events in semi-annual reporting and annual certifications required in this permit. This includes all upset conditions reported in 8a above. The semi-annual report must include all the information as required by the initial and full reports required in 8a.

[Regulation 19, §19.601 and §19.602, Regulation 26, §26.701(C)(3)(b), and 40 CFR 70.6(a)(3)(iii)(B)]

9. If any provision of the permit or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, provisions of this Regulation are declared to be separable and severable. [40 CFR 70.6(a)(5), Regulation 26, §26.701(E), and A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

10. The permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with applicable requirements as defined in Regulation 26 constitutes a violation of the Clean Air Act, as amended, 42 U.S.C. §7401, et seq. and is grounds for enforcement action; for permit termination, revocation and reissuance, for permit modification; or for denial of a permit renewal application. [40 CFR 70.6(a)(6)(i) and Regulation 26, §26.701(F)(1)]

11. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit. [40 CFR 70.6(a)(6)(ii) and Regulation 26, §26.701(F)(2)]

12. The Department may modify, revoke, reopen and reissue the permit or terminate the permit for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 CFR 70.6(a)(6)(iii) and Regulation 26, §26.701(F)(3)]

13. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 CFR 70.6(a)(6)(iv) and Regulation 26, §26.701(F)(4)]

14. The permittee must furnish to the Director, within the time specified by the Director, any information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee must also furnish to the Director copies of records required by the permit. For information the permittee claims confidentiality, the Department may require the permittee to furnish such records directly to the Director

along with a claim of confidentiality. [40 CFR 70.6(a)(6)(v) and Regulation 26, §26.701(F)(5)]

15. The permittee must pay all permit fees in accordance with the procedures established in Regulation 9. [40 CFR 70.6(a)(7) and Regulation 26, §26.701(G)]

16. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes provided for elsewhere in this permit. [40 CFR 70.6(a)(8) and Regulation 26, §26.701(H)]

17. If the permit allows different operating scenarios, the permittee shall, contemporaneously with making a change from one operating scenario to another, record in a log at the permitted facility a record of the operational scenario. [40 CFR 70.6(a)(9)(i) and Regulation 26, §26.701(I)(1)]

18. The Administrator and citizens may enforce under the Act all terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, unless the Department specifically designates terms and conditions of the permit as being federally unenforceable under the Act or under any of its applicable requirements. [40 CFR 70.6(b) and Regulation 26, §26.702(A) and (B)]

19. Any document (including reports) required by this permit must contain a certification by a responsible official as defined in Regulation 26, §26.2. [40 CFR 70.6(c)(1) and Regulation 26, §26.703(A)]

20. The permittee must allow an authorized representative of the Department, upon presentation of credentials, to perform the following: [40 CFR 70.6(c)(2) and Regulation 26, §26.703(B)]

    e. Enter upon the permittee's premises where the permitted source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
    f. Have access to and copy, at reasonable times, any records required under the conditions of this permit;
    g. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
    h. As authorized by the Act, sample or monitor at reasonable times substances or parameters for assuring compliance with this permit or applicable requirements.

21. The permittee shall submit a compliance certification with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. The permittee must submit the compliance certification annually within 30 days following the last day of the anniversary month of the initial Title V permit. The permittee must also

submit the compliance certification to the Administrator as well as to the Department. All compliance certifications required by this permit must include the following: [40 CFR 70.6(c)(5) and Regulation 26, §26.703(E)(3)]

a. The identification of each term or condition of the permit that is the basis of the certification;
b. The 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 reporting period established by the monitoring requirements of this permit;
e. and Such other facts as the Department may require elsewhere in this permit or by §114(a)(3) and §504(b) of the Act.

22. Nothing in this permit will alter or affect the following: [Regulation 26, §26.704(C)]

c. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
d. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;
e. The applicable requirements of the acid rain program, consistent with §408(a) of the Act or,
f. The ability of EPA to obtain information from a source pursuant to §114 of the Act.

23. This permit authorizes only those pollutant emitting activities addressed in this permit. [A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311]

Appendix A – ADEQ CEMS Conditions

Arkansas Department of Environmental Quality

CONTINUOUS EMISSION MONITORING SYSTEMS CONDITIONS

Revised August 2004

PREAMBLE

These conditions are intended to outline the requirements for facilities required to operate Continuous Emission Monitoring Systems/Continuous Opacity Monitoring Systems (CEMS)/(COMS). Generally there are three types of sources required to operate CEMS/COMS:

1. CEMS/COMS required by 40 CFR Part 60 or 63,
2. CEMS required by 40 CFR Part 75,
3. CEMS/COMS required by ADEQ permit for reasons other that Part 60, 63 or 75.

These CEMS/COMS conditions are not intended to supercede Part 60, 63 or 75 requirements.

- Only CEMS/COMS in the third category (those required by ADEQ permit for reasons other than Part 60, 63 or 75) shall comply with SECTION II, MONITORING REQUIREMENTS and SECTION IV, QUALITY ASSURANCE/QUALITY CONTROL.

- All CEMS/COMS shall comply with Section III, NOTIFICATION AND RECORDKEEPING.

SECTION I

DEFINITIONS

Continuous Emission Monitoring System (CEMS) - The total equipment required for the determination of a gas concentration and/or emission rate so as to include sampling, analysis and recording of emission data.

Continuous Opacity Monitoring System (COMS) - The total equipment required for the determination of opacity as to include sampling, analysis and recording of emission data.

Calibration Drift (CD) - The difference in the CEMS output reading from the established reference value after a stated period of operation during which no unscheduled maintenance, repair, or adjustments took place.

Back-up CEMS (Secondary CEMS) - A CEMS with the ability to sample, analyze and record stack pollutant to determine gas concentration and/or emission rate. This CEMS is to serve as a back-up to the primary CEMS to minimize monitor downtime.

Excess Emissions - Any period in which the emissions exceed the permit limits.

Monitor Downtime - Any period during which the CEMS/COMS is unable to sample, analyze and record a minimum of four evenly spaced data points over an hour, except during one daily zero-span check during which two data points per hour are sufficient.

ut-of-Control Period - Begins with the time corresponding to the completion of the fifth, consecutive, daily CD :k with a CD in excess of two times the allowable limit, or the time corresponding to the completion of the daily CD check preceding the daily CD check that results in a CD in excess of four times the allowable limit and the time corresponding to the completion of the sampling for the RATA, RAA, or CGA which exceeds the limits outlined in Section IV. Out-of-Control Period ends with the time corresponding to the completion of the CD check following corrective action with the results being within the allowable CD limit or the completion of the sampling of the subsequent successful RATA, RAA, or CGA.

Primary CEMS - The main reporting CEMS with the ability to sample, analyze and record stack pollutant to determine gas concentration and/or emission rate.

Relative Accuracy (RA) - The absolute mean difference between the gas concentration or emission rate determined by the CEMS and the value determined by the reference method plus the 2.5 percent error confidence coefficient of a series of tests divided by the mean of the reference method tests of the applicable emission limit.

Span Value – The upper limit of a gas concentration measurement range.

SECTION II

MONITORING REQUIREMENTS

A. For new sources, the installation date for the CEMS/COMS shall be no later than thirty (30) days from the date of start-up of the source.

B. For existing sources, the installation date for the CEMS/COMS shall be no later than sixty (60) days from the issuance of the permit unless the permit requires a specific date.

C. Within sixty (60) days of installation of a CEMS/COMS, a performance specification test (PST) must be completed. PST's are defined in 40 CFR, Part 60, Appendix B, PS 1-9. The Department may accept alternate PSTs for pollutants not covered by Appendix B on a case-by-case basis. Alternate PST's shall be approved, in writing, by the ADEQ CEM Coordinator prior to testing.

D. Each CEMS/COMS shall have, as a minimum, a daily zero-span check. The zero-span shall be adjusted whenever the 24-hour zero or 24-hour span drift exceeds two times the limits in the applicable performance specification in 40 CFR, Part 60, Appendix B. Before any adjustments are made to either the zero or span drifts measured at the 24-hour interval the excess zero and span drifts measured must be quantified and recorded.

E. All CEMS/COMS shall be in continuous operation and shall meet minimum frequency of operation requirements of 95% up-time for each quarter for each pollutant measured. Percent of monitor down-time is calculated by dividing the total minutes the monitor is not in operation by the total time in the calendar quarter and multiplying by one hundred. Failure to maintain operation time shall constitute a violation of the CEMS conditions.

F. Percent of excess emissions are calculated by dividing the total minutes of excess emissions by the total time the source operated and multiplying by one hundred. Failure to maintain compliance may constitute a violation of the CEMS conditions.

F. All CEMS measuring emissions shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive fifteen minute period unless more cycles are required by the permit. For each CEMS, one-hour averages shall be computed from four or more data points equally spaced over each one hour period unless more data points are required by the permit.

H. 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.

J. When the pollutant from a single affected facility is released through more than one point, a CEMS/COMS shall be installed on each point unless installation of fewer systems is approved, in writing, by the ADEQ CEM Coordinator. When more than one CEM/COM is used to monitor emissions from one affected facility the owner or operator shall report the results as required from each CEMS/COMS.

SECTION III

NOTIFICATION AND RECORD KEEPING

A. When requested to do so by an owner or operator, the ADEQ CEM Coordinator will review plans for installation or modification for the purpose of providing technical advice to the owner or operator.

B. Each facility which operates a CEMS/COMS shall notify the ADEQ CEM Coordinator of the date for which the demonstration of the CEMS/COMS performance will commence (i.e. PST, RATA, RAA, CGA). Notification shall be received in writing no less than 15 days prior to testing. Performance test results shall be submitted to the Department within thirty days after completion of testing.

C. Each facility which operates a CEMS/COMS shall maintain records of the occurrence and duration of start up/shut down, cleaning/soot blowing, process problems, fuel problems, or other malfunction in the operation of the affected facility which causes excess emissions. This includes any malfunction of the air pollution control equipment or any period during which a continuous monitoring device/system is inoperative.

D. Except for Part 75 CEMs, each facility required to install a CEMS/COMS shall submit an excess emission and monitoring system performance report to the Department (Attention: Air Division, CEM Coordinator) at least quarterly, unless more frequent submittals are warranted to assess the compliance status of the facility. Quarterly reports shall be postmarked no later than the 30th day of the month following the end of each calendar quarter. Part 75 CEMs shall submit this information semi-annually and as part of Title V six (6) month reporting requirement if the facility is a Title V facility.

E. All excess emissions shall be reported in terms of the applicable standard. Each report shall be submitted on ADEQ Quarterly Excess Emission Report Forms. Alternate forms may be used with prior written approval from the Department.

F. Each facility which operates a CEMS/COMS must maintain on site a file of CEMS/COMS data including all raw data, corrected and adjusted, repair logs, calibration checks, adjustments, and test audits. This file must be retained for a period of at least five years, and is required to be maintained in such a condition that it can easily be audited by an inspector.

G. Except for Part 75 CEMs, quarterly reports shall be used by the Department to determine compliance with the permit. For Part 75 CEMs, the semi-annual report shall be used.

SECTION IV

QUALITY ASSURANCE/QUALITY CONTROL

A. For each CEMS/COMS a Quality Assurance/Quality Control (QA/QC) plan shall be submitted to the Department (Attn.: Air Division, CEM Coordinator). CEMS quality assurance procedures are defined in 40 CFR, Part 60, Appendix F. This plan shall be submitted within 180 days of the CEMS/COMS installation. A QA/QC plan shall consist of procedure and practices which assures acceptable level of monitor data accuracy, precision, representativeness, and availability.

B. The submitted QA/QC plan for each CEMS/COMS shall not be considered as accepted until the facility receives a written notification of acceptance from the Department.

C. Facilities responsible for one, or more, CEMS/COMS used for compliance monitoring shall meet these minimum requirements and are encouraged to develop and implement a more extensive QA/QC program, or to continue such programs where they already exist. Each QA/QC program must include written procedures which should describe in detail, complete, step-by-step procedures and operations for each of the following activities:

1. Calibration of CEMS/COMS
   a. Daily calibrations (including the approximate time(s) that the daily zero and span drifts will be checked and the time required to perform these checks and return to stable operation)
2. Calibration drift determination and adjustment of CEMS/COMS
   a. Out-of-control period determination
   b. Steps of corrective action
3. Preventive maintenance of CEMS/COMS
   a. CEMS/COMS information
      1) Manufacture
      2) Model number
      3) Serial number
   b. Scheduled activities (check list)
   c. Spare part inventory
4. Data recording, calculations, and reporting
5. Accuracy audit procedures including sampling and analysis methods
6. Program of corrective action for malfunctioning CEMS/COMS

D. A Relative Accuracy Test Audit (RATA), shall be conducted at least once every four calendar quarters. A Relative Accuracy Audit (RAA), or a Cylinder Gas Audit (CGA), may be conducted in the other three quarters but in no more than three quarters in succession. The RATA should be conducted in accordance with the applicable test procedure in 40 CFR Part 60 Appendix A and calculated in accordance with the applicable performance specification in 40 CFR Part 60 Appendix B. CGA's and RAA's should be conducted and the data calculated in accordance with the procedures outlined on 40 CFR Part 60 Appendix F.

If alternative testing procedures or methods of calculation are to be used in the RATA, RAA or CGA audits prior authorization must be obtained from the ADEQ CEM Coordinator.

E. Criteria for excessive audit inaccuracy.

RATA

All Pollutants except Carbon Monoxide	> 20% Relative Accuracy
Carbon Monoxide	> 10% Relative Accuracy
All Pollutants except Carbon Monoxide	> 10% of the Applicable Standard
Carbon Monoxide	> 5% of the Applicable Standard
Diluent (O_2 & CO_2)	> 1.0 % O2 or CO2
Flow	> 20% Relative Accuracy

CGA

Pollutant	> 15% of average audit value or 5 ppm difference
Diluent (O_2 & CO_2)	> 15% of average audit value or 5 ppm difference

RAA

Pollutant	> 15% of the three run average or > 7.5 % of the applicable standard
Diluent (O_2 & CO_2)	> 15% of the three run average or > 7.5 % of the applicable standard

F. If either the zero or span drift results exceed two times the applicable drift specification in 40 CFR, Part 60, Appendix B for five consecutive, daily periods, the CEMS is out-of-control. If either the zero or span drift results exceed four times the applicable drift specification in Appendix B during a calibration drift check, the CEMS is out-of-control. If the CEMS exceeds the audit inaccuracies listed above, the CEMS is out-of-control. If a CEMS is out-of-control, the data from that out-of-control period is not counted towards meeting the minimum data availability as required and described in the applicable subpart. The end of the out-of-control period is the time corresponding to the completion of the successful daily zero or span drift or completion of the successful CGA, RAA or RATA.

G. A back-up monitor may be placed on an emission source to minimize monitor downtime. This back-up CEMS is subject to the same QA/QC procedure and practices as the primary CEMS. The back-up CEMS shall be certified by a PST. Daily zero-span checks must be performed and recorded in accordance with standard practices. When the primary CEMS goes down, the back-up CEMS may then be engaged to sample, analyze and record the emission source pollutant until repairs are made and the primary unit is placed back in service. Records must be maintained on site when the back-up CEMS is placed in service, these records shall include at a minimum the reason the primary CEMS is out of service, the date and time the primary CEMS was out of service and the date and time the primary CEMS was placed back in service.

Appendix B. AP-42 Section 13.2.4

13.2.4 Aggregate Handling And Storage Piles

13.2.4.1 General

Inherent in operations that use minerals in aggregate form is the maintenance of outdoor storage piles. Storage piles are usually left uncovered, partially because of the need for frequent material transfer into or out of storage.

Dust emissions occur at several points in the storage cycle, such as material loading onto the pile, disturbances by strong wind currents, and loadout from the pile. The movement of trucks and loading equipment in the storage pile area is also a substantial source of dust.

13.2.4.2 Emissions And Correction Parameters

The quantity of dust emissions from aggregate storage operations varies with the volume of aggregate passing through the storage cycle. Emissions also depend on 3 parameters of the condition of a particular storage pile: age of the pile, moisture content, and proportion of aggregate fines.

When freshly processed aggregate is loaded onto a storage pile, the potential for dust emissions is at a maximum. Fines are easily disaggregated and released to the atmosphere upon exposure to air currents, either from aggregate transfer itself or from high winds. As the aggregate pile weathers, however, potential for dust emissions is greatly reduced. Moisture causes aggregation and cementation of fines to the surfaces of larger particles. Any significant rainfall soaks the interior of the pile, and then the drying process is very slow.

Silt (particles equal to or less than 75 micrometers [μm] in diameter) content is determined by measuring the portion of dry aggregate material that passes through a 200-mesh screen, using ASTM-C-136 method.[1] Table 13.2.4-1 summarizes measured silt and moisture values for industrial aggregate materials.

13.2.4.3 Predictive Emission Factor Equations

Total dust emissions from aggregate storage piles result from several distinct source activities within the storage cycle:

1. Loading of aggregate onto storage piles (batch or continuous drop operations).
2. Equipment traffic in storage area.
3. Wind erosion of pile surfaces and ground areas around piles.
4. Loadout of aggregate for shipment or for return to the process stream (batch or continuous drop operations).

Either adding aggregate material to a storage pile or removing it usually involves dropping the material onto a receiving surface. Truck dumping on the pile or loading out from the pile to a truck with a front-end loader are examples of batch drop operations. Adding material to the pile by a conveyor stacker is an example of a continuous drop operation.

Table 13.2.4-1. TYPICAL SILT AND MOISTURE CONTENTS OF MATERIALS AT VARIOUS INDUSTRIES[a]

Industry	No. Of Facilities	Material	Silt Content (%)			Moisture Content (%)		
			No. Of Samples	Range	Mean	No. Of Samples	Range	Mean
Iron and steel production	9	Pellet ore	13	1.3 - 13	4.3	11	0.64 - 4.0	2.2
		Lump ore	9	2.8 - 19	9.5	6	1.6 - 8.0	5.4
		Coal	12	2.0 - 7.7	4.6	11	2.8 - 11	4.8
		Slag	3	3.0 - 7.3	5.3	3	0.25 - 2.0	0.92
		Flue dust	3	2.7 - 23	13	1	—	7
		Coke breeze	2	4.4 - 5.4	4.9	2	6.4 - 9.2	7.8
		Blended ore	1	—	15	1	—	6.6
		Sinter	1	—	0.7	0	—	—
		Limestone	3	0.4 - 2.3	1.0	2	ND	0.2
Stone quarrying and processing	2	Crushed limestone	2	1.3 - 1.9	1.6	2	0.3 - 1.1	0.7
		Various limestone products	8	0.8 - 14	3.9	8	0.46 - 5.0	2.1
Taconite mining and processing	1	Pellets	9	2.2 - 5.4	3.4	7	0.05 - 2.0	0.9
		Tailings	2	ND	11	1	—	0.4
Western surface coal mining	4	Coal	15	3.4 - 16	6.2	7	2.8 - 20	6.9
		Overburden	15	3.8 - 15	7.5	0	—	—
		Exposed ground	3	5.1 - 21	15	3	0.8 - 6.4	3.4
Coal-fired power plant	1	Coal (as received)	60	0.6 - 4.8	2.2	59	2.7 - 7.4	4.5
Municipal solid waste landfills	4	Sand	1	—	2.6	1	—	7.4
		Slag	2	3.0 - 4.7	3.8	2	2.3 - 4.9	3.6
		Cover	5	5.0 - 16	9.0	5	8.9 - 16	12
		Clay/dirt mix	1	—	9.2	1	—	14
		Clay	2	4.5 - 7.4	6.0	2	8.9 - 11	10
		Fly ash	4	78 - 81	80	4	26 - 29	27
		Misc. fill materials	1	—	12	1	—	11

[a] References 1-10. ND = no data.

The quantity of particulate emissions generated by either type of drop operation, per kilogram (kg) (ton) of material transferred, may be estimated, with a rating of A, using the following empirical expression:[11]

$$E = k(0.0016) \frac{\left(\frac{U}{2.2}\right)^{1.3}}{\left(\frac{M}{2}\right)^{1.4}} \text{ (kg/megagram [Mg])} \quad (1)$$

$$E = k(0.0032) \frac{\left(\frac{U}{5}\right)^{1.3}}{\left(\frac{M}{2}\right)^{1.4}} \text{ (pound [lb]/ton)}$$

where:

E = emission factor
k = particle size multiplier (dimensionless)
U = mean wind speed, meters per second (m/s) (miles per hour [mph])
M = material moisture content (%)

The particle size multiplier in the equation, k, varies with aerodynamic particle size range, as follows:

Aerodynamic Particle Size Multiplier (k) For Equation 1				
< 30 μm	< 15 μm	< 10 μm	< 5 μm	< 2.5 μm
0.74	0.48	0.35	0.20	0.11

The equation retains the assigned quality rating if applied within the ranges of source conditions that were tested in developing the equation, as follows. Note that silt content is included, even though silt content does not appear as a correction parameter in the equation. While it is reasonable to expect that silt content and emission factors are interrelated, no significant correlation between the 2 was found during the derivation of the equation, probably because most tests with high silt contents were conducted under lower winds, and vice versa. It is recommended that estimates from the equation be reduced 1 quality rating level if the silt content used in a particular application falls outside the range given:

Ranges Of Source Conditions For Equation 1			
Silt Content (%)	Moisture Content (%)	Wind Speed	
		m/s	mph
0.44 - 19	0.25 - 4.8	0.6 - 6.7	1.3 - 15

To retain the quality rating of the equation when it is applied to a specific facility, reliable correction parameters must be determined for specific sources of interest. The field and laboratory procedures for aggregate sampling are given in Reference 3. In the event that site-specific values for correction parameters cannot be obtained, the appropriate mean from Table 13.2.4-1 may be used, but the quality rating of the equation is reduced by 1 letter.

For emissions from equipment traffic (trucks, front-end loaders, dozers, etc.) traveling between or on piles, it is recommended that the equations for vehicle traffic on unpaved surfaces be used (see Section 13.2.2). For vehicle travel between storage piles, the silt value(s) for the areas among the piles (which may differ from the silt values for the stored materials) should be used.

Worst-case emissions from storage pile areas occur under dry, windy conditions. Worst-case emissions from materials-handling operations may be calculated by substituting into the equation appropriate values for aggregate material moisture content and for anticipated wind speeds during the worst case averaging period, usually 24 hours. The treatment of dry conditions for Section 13.2.2, vehicle traffic, "Unpaved Roads", follows the methodology described in that section centering on parameter p. A separate set of nonclimatic correction parameters and source extent values corresponding to higher than normal storage pile activity also may be justified for the worst-case averaging period.

13.2.4.4 Controls[12-13]

Watering and the use of chemical wetting agents are the principal means for control of aggregate storage pile emissions. Enclosure or covering of inactive piles to reduce wind erosion can also reduce emissions. Watering is useful mainly to reduce emissions from vehicle traffic in the storage pile area. Watering of the storage piles themselves typically has only a very temporary slight effect on total emissions. A much more effective technique is to apply chemical agents (such as surfactants) that permit more extensive wetting. Continuous chemical treating of material loaded onto piles, coupled with watering or treatment of roadways, can reduce total particulate emissions from aggregate storage operations by up to 90 percent.[12]

References For Section 13.2.4

1. C. Cowherd, Jr., *et al., Development Of Emission Factors For Fugitive Dust Sources*, EPA-450/3-74-037, U. S. Environmental Protection Agency, Research Triangle Park, NC, June 1974.

2. R. Bohn, *et al., Fugitive Emissions From Integrated Iron And Steel Plants*, EPA-600/2-78-050, U. S. Environmental Protection Agency, Cincinnati, OH, March 1978.

3. C. Cowherd, Jr., *et al., Iron And Steel Plant Open Dust Source Fugitive Emission Evaluation*, EPA-600/2-79-103, U. S. Environmental Protection Agency, Cincinnati, OH, May 1979.

4. *Evaluation Of Open Dust Sources In The Vicinity Of Buffalo, New York*, EPA Contract No. 68-02-2545, Midwest Research Institute, Kansas City, MO, March 1979.

5. C. Cowherd, Jr., and T. Cuscino, Jr., *Fugitive Emissions Evaluation*, MRI-4343-L, Midwest Research Institute, Kansas City, MO, February 1977.

6. T. Cuscino, Jr., *et al., Taconite Mining Fugitive Emissions Study*, Minnesota Pollution Control Agency, Roseville, MN, June 1979.

7. *Improved Emission Factors For Fugitive Dust From Western Surface Coal Mining Sources*, 2 Volumes, EPA Contract No. 68-03-2924, PEDCo Environmental, Kansas City, MO, and Midwest Research Institute, Kansas City, MO, July 1981.

8. *Determination Of Fugitive Coal Dust Emissions From Rotary Railcar Dumping*, TRC, Hartford, CT, May 1984.

9. *PM-10 Emission Inventory Of Landfills In the Lake Calumet Area*, EPA Contract No. 68-02-3891, Midwest Research Institute, Kansas City, MO, September 1987.

10. *Chicago Area Particulate Matter Emission Inventory — Sampling And Analysis*, EPA Contract No. 68-02-4395, Midwest Research Institute, Kansas City, MO, May 1988.

11. *Update Of Fugitive Dust Emission Factors In AP-42 Section 11.2*, EPA Contract No. 68-02-3891, Midwest Research Institute, Kansas City, MO, July 1987.

12. G. A. Jutze, *et al., Investigation Of Fugitive Dust Sources Emissions And Control*, EPA-450/3-74-036a, U. S. Environmental Protection Agency, Research Triangle Park, NC, June 1974.

13. C. Cowherd, Jr., *et al., Control Of Open Fugitive Dust Sources*, EPA-450/3-88-008, U. S. Environmental Protection Agency, Research Triangle Park, NC, September 1988.

Appendix C. 40 CFR 63 Subpart LLL

[Last updated 6/27/03]

Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry- Major Sources

Sec.

Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry

§63.1340 Applicability and designation of affected sources.

(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this subpart apply to each new and existing portland cement plant which is a major source source as defined in §63.2.

(b) The affected sources subject to this subpart are:

(1) Each kiln and each in-line kiln/raw mill at any major source, including alkali bypasses, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to and regulated under subpart EEE of this part;

(2) Each clinker cooler at any portland cement plant which is a major source;

(3) Each raw mill at any portland cement plant which is a major source;

(4) Each finish mill at any portland cement plant which is a major source;

(5) Each raw material dryer at any portland cement plant which is a major source and each greenfield raw material dryer at any portland cement plant which is a major source;

(6) Each raw material, clinker, or finished product storage bin at any portland cement plant which is a major source;

(7) Each conveying system transfer point including those associated with coal preparation used to conveycoal from the mill to the kiln at any portland cement plant which is a major source;

(8) Each bagging system at any portland cement plant which is a major source; and

(c) For portland cement plants with on-site nonmetallic mineral processing facilities, the first affected source in the sequence of materials handling operations subject to this subpart is the raw material storage, which is just prior to the raw mill. Any equipment of the on-site nonmetallic mineral processing plant which precedes the raw material storage is not subject to this subpart. In addition, the primary and secondary crushers of the on-site nonmetallic mineral processing plant, regardless of whether they precede the raw material storage, are not subject to this subpart. Furthermore, the first conveyor transfer point subject to this subpart is the transfer point associated with the conveyor transferring material from the raw material storage to the raw mill.

(d) The owner or operator of any affected source subject to the provisions of this subpart is subject to title V permitting requirements.

§63.1341 Definitions.

All terms used in this subpart that are not defined below have the meaning given to them in the CAA and in subpart A of this part.

Alkali bypass means a duct between the feed end of the kiln and the preheater tower through which a portion of the kiln exit gas stream is withdrawn and quickly cooled by air or water to avoid excessive buildup of alkali, chloride and/or sulfur on the raw feed. This may also be referred to as the "kiln exhaust gas bypass".

Bagging system means the equipment which fills bags with portland cement.

Bin means a manmade enclosure for storage of raw materials, clinker, or finished product prior to further processing at a Portland cement plant.

Clinker cooler means equipment into which clinker product leaving the kiln is placed to be cooled by air supplied by a forced draft or natural draft supply system.

Continuous monitor means a device which continuously samples the regulated parameter specified in §63.1350 of this subpart without interruption, evaluates the detector response at least once every 15 seconds, and computes and records the average value at least every 60 seconds, except during allowable periods of calibration and except as defined otherwise by the continuous emission monitoring system performance specifications in appendix B to part 60 of this chapter.

Conveying system means a device for transporting materials from one piece of equipment or location to another location within a facility. Conveying systems include but are not limited to the following: feeders, belt conveyors, bucket elevators and pneumatic systems.

Conveying system transfer point means a point where any material including but not limited to feed material, fuel, clinker or product, is transferred to or from a conveying system, or between separate parts of a conveying system.

Dioxins and furans (D/F) means tetra-, penta-, hexa-, hepta-, and octa- chlorinated dibenzo dioxins and furans.

Facility means all contiguous or adjoining property that is under common ownership or control, including properties that are separated only by a road or other public right-of-way.

Feed means the prepared and mixed materials, which include but are not limited to materials such as limestone, clay, shale, sand, iron ore, mill scale, cement kiln dust and flyash, that are fed to the kiln. Feed does not include the fuels used in the kiln to produce heat to form the clinker product.

Finish mill means a roll crusher, ball and tube mill or other size reduction equipment used to grind ker to a fine powder. Gypsum and other materials may be added to and blended with clinker in a finish The finish mill also includes the air separator associated with the finish mill.

Greenfield kiln, in-line kiln/raw mill, or *raw material dryer* means a kiln, in-line kiln/raw mill, or raw material dryer for which construction is commenced at a plant site (where no kilns and no in-line kiln/raw mills were in operation at any time prior to March 24, 1998) after March 24, 1998.

Hazardous waste is defined in §261.3 of this chapter.

In-line kiln/raw mill means a system in a portland cement production process where a dry kiln system is integrated with the raw mill so that all or a portion of the kiln exhaust gases are used to perform the drying operation of the raw mill, with no auxiliary heat source used. In this system the kiln is capable of operating without the raw mill operating, but the raw mill cannot operate without the kiln gases, and consequently, the raw mill does not generate a separate exhaust gas stream.

Kiln means a device, including any associated preheater or precalciner devices, that produces clinker by heating limestone and other materials for subsequent production of portland cement.

Kiln exhaust gas bypass means alkali bypass.

Monovent means an exhaust configuration of a building or emission control device (e. g. positive pressure fabric filter) that extends the length of the structure and has a width very small in relation to its length (i. e., length to width ratio is typically greater than 5:1). The exhaust may be an open vent with or without a roof, louvered vents, or a combination of such features.

New brownfield kiln, in-line kiln raw mill, or *raw material dryer* means a kiln, in-line kiln/raw mill or raw material dryer for which construction is commenced at a plant site (where kilns and/or in-line kiln/raw mills were in operation prior to March 24, 1998) after March 24, 1998.

One-minute average means the average of thermocouple or other sensor responses calculated at least every 60 seconds from responses obtained at least once during each consecutive 15 second period.

Portland cement plant means any facility manufacturing portland cement.

Raw material dryer means an impact dryer, drum dryer, paddle-equipped rapid dryer, air separator, or r equipment used to reduce the moisture content of feed materials.

Raw mill means a ball and tube mill, vertical roller mill or other size reduction equipment, that is not part of an in-line kiln/raw mill, used to grind feed to the appropriate size. Moisture may be added or removed from the feed during the grinding operation. If the raw mill is used to remove moisture from feed materials, it is also, by definition, a raw material dryer. The raw mill also includes the air separator associated with the raw mill.

Rolling average means the average of all one-minute averages over the averaging period.

Run average means the average of the one-minute parameter values for a run.

TEQ means the international method of expressing toxicity equivalents for dioxins and furans as defined in U.S. EPA, Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-dioxins and -dibenzofurans (CDDs and CDFs) and 1989 Update, March 1989.

EMISSION STANDARDS AND OPERATING LIMITS

§63.1342 Standards: General.

(a) Table 1 to this subpart provides cross references to the 40 CFR part 63, subpart A, general provisions, indicating the applicability of the general provisions requirements to subpart LLL.

(b) Table 1 of this section provides a summary of emission limits and operating limits of this subpart.

Table 1 to §63.1342. Emission Limits and Operating Limits.

Affected Source	Pollutant or Opacity	Emission and Operating Limit
All kilns and in-line kiln/raw mills at major sources (including alkali bypass)	PM	0.15 kg/Mg of feed (dry basis)
	Opacity	20 percent
All kilns and in-line kiln/raw mills at major sources (including alkali bypass)	D/F	0.20 ng TEQ/dscm or 0.40 ng TEQ/dscm when the average of the performance test run average particulate matter control device (PMCD) inlet temperatures is 204° C or less. [Corrected to 7 percent oxygen] Operate such that the three-hour rolling average PMCD inlet temperature is no greater than the temperature established at performance test. If activated carbon injection is used: Operate such that the three-hour rolling average activated carbon injection rate is no less than rate established at performance test. Operate such that either the carrier gas flow rate or carrier gas pressure drop exceeds the value established at performance test. Inject carbon of equivalent specifications to that used at performance test.
New greenfield kilns and in-line kiln/raw mills at major sources	THC	50 ppmvd, as propane, corrected to 7 percent oxygen
All clinker coolers at major sources	PM	0.050 kg/Mg of feed (dry basis)
	Opacity	10 percent
All raw mills and finish mills at major sources	Opacity	10 percent
New greenfield raw material dryers at major sources	THC	50 ppmvd, as propane, corrected to 7 percent oxygen
All raw material dryers and material handling points at major sources	Opacity	10 percent

§63.1343 Standards for kilns and in-line kiln/raw mills.

(a) *General.* The provisions in this section apply to each kiln, each in-line kiln/raw mill, and any alkali bypass associated with that kiln or in-line kiln/raw mill.

(b) *Existing, reconstructed, or new brownfield/major sources.* No owner or operator of an existing, reconstructed or new brownfield kiln or an existing, reconstructed or new brownfield in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources, any gases which:

(1) Contain particulate matter (PM) in excess of 0.15 kg per Mg (0.30 lb per ton) of feed (dry basis) to the kiln. When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the combined particulate matter emissions from the kiln or in-line kiln/raw mill and the alkali bypass are subject to this emission limit.

(2) Exhibit opacity greater than 20 percent.

(3) Contain D/F in excess of:

(i) 0.20 ng per dscm (8.7×10^{-11} gr per dscf)(TEQ) corrected to seven percent oxygen; or

(ii) 0.40 ng per dscm (1.7×10^{-10} gr per dscf)(TEQ) corrected to seven percent oxygen, when the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204° C (400° F) or less.

(c) *Greenfield/major sources.* No owner or operator that commences construction of a greenfield kiln or greenfield inline kiln/raw mill at a facility which is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources any gases which:

(1) Contain particulate matter in excess of 0.15 kg per Mg (0.30 lb per ton) of feed (dry basis) to the kiln. When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the combined particulate matter emissions from the kiln or in-line kiln/raw mill and the bypass stack are subject to this emission limit.

(2) Exhibit opacity greater than 20 percent.

(3) Contain D/F in excess of:

(i) 0.20 ng per dscm (8.7×10^{-11} gr per dscf)(TEQ) corrected to seven percent oxygen; or

(ii) 0.40 ng per dscm (1.7×10^{-10} gr per dscf)(TEQ) corrected to seven percent oxygen, when the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204° C (400° F) or less.

(4) Contain total hydrocarbon (THC), from the main exhaust of the kiln or in-line kiln/raw mill, in excess of 50 ppmvd as propane, corrected to seven percent oxygen.

(d) *Reserved*

(e) *Rseserved*

§63.1344 Operating Limits for kilns and in-line kiln/raw mills.

(a) The owner or operator of a kiln subject to a D/F emission limitation under §63.1343 must operate the kiln such that the temperature of the gas at the inlet to the kiln particulate matter control device (PMCD) and alkali bypass PMCD, if applicable, does not exceed the applicable temperature limit specified in paragraph (b) of this section. The owner or operator of an in-line kiln/raw mill subject to a D/F emission limitation under §63.1343 must operate the in-line kiln/raw mill, such that,

(1) When the raw mill of the in-line kiln/raw mill is operating, the applicable temperature limit for the main in-line kiln/raw mill exhaust, specified in paragraph (b) of this section and established during the performance test when the raw mill was operating is not exceeded.

(2) When the raw mill of the in-line kiln/raw mill is not operating, the applicable temperature limit for the main in-line kiln/raw mill exhaust, specified in paragraph (b) of this section and established during the performance test when the raw mill was not operating, is not exceeded.

(3) If the in-line kiln/raw mill is equipped with an alkali bypass, the applicable temperature limit for the alkali bypass specified in paragraph (b) of this section and established during the performance test, with or without the raw mill operating, is not exceeded.

(b) The temperature limit for affected sources meeting the limits of paragraph (a) of this section or paragraphs (a)(1) through (a)(3) of this section is determined in accordance with §63.1349(b)(3)(iv).

(c) The owner or operator of an affected source subject to a D/F emission limitation under §63.1343 that employs carbon injection as an emission control technique must operate the carbon injection system in accordance with paragraphs (c)(1) and (c)(2) of this section.

(1) The three-hour rolling average activated carbon injection rate shall be equal to or greater than the activated carbon injection rate determined in accordance with §63.1349(b)(3)(vi).

(2) The owner or operator shall either:

(i) Maintain the minimum activated carbon injection carrier gas flow rate, as a three-hour rolling average, based on the manufacturer's specifications. These specifications must be documented in the test plan developed in accordance with §63.7(c) of this part, or

(ii) Maintain the minimum activated carbon injection carrier gas pressure drop, as a three-hour rolling average, based on the manufacturer's specifications. These specifications must be documented in the test plan developed in accordance with §63.7(c).

(d) Except as provided in paragraph (e) of this section, the owner or operator of an affected source subject to a D/F emission limitation under §63.1343 that employs carbon injection as an emission control technique must specify and use the brand and type of activated carbon used during the performance test until a subsequent performance test is conducted, unless the site-specific performance test plan contains documentation of key parameters that affect adsorption and the owner or operator establishes limits based on those parameters, and the limits on these parameters are maintained.

(e) The owner or operator of an affected source subject to a D/F emission limitation under §63.1343 that employs carbon injection as an emission control technique may substitute, at any time, a different brand or type of activated carbon provided that the replacement has equivalent or improved properties compared to the activated carbon specified in the site-specific performance test plan and used in the performance test. The owner or operator must maintain documentation that the substitute activated carbon will provide the same or better level of control as the original activated carbon.

§63.1345 Standards for clinker coolers.

(a) No owner or operator of a new or existing clinker cooler at a facility which is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from the clinker cooler any gases which:

(1) Contain particulate matter in excess of 0.050 kg per Mg (0.10 lb per ton) of feed (dry basis) to the kiln.

(2) Exhibit opacity greater than ten percent.

(b) [Reserved]

§63.1346 Standards for new and reconstructed raw material dryers.

(a) *Brownfield/major sources.* No owner or operator of a new or reconstructed brownfield raw material ver at a facility which is a major source subject to this subpart shall cause to be discharged into the osphere from the new or reconstructed raw material dryer any gases which exhibit opacity greater than ten cent.

(b) *Reserved*

(c) *Greenfield/major sources.* No owner or operator of a greenfield raw material dryer at a facility which is a major source subject to this subpart shall cause to be discharged into the atmosphere from the greenfield raw material dryer any gases which:

(1) Contain THC in excess of 50 ppmvd, reported as propane, corrected to seven percent oxygen.

(2) Exhibit opacity greater than ten percent.

§63.1347 Standards for raw and finish mills.

The owner or operator of each new or existing raw mill or finish mill at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged from the mill sweep or air separator air pollution control devices of these affected sources any gases which exhibit opacity in excess of ten percent.

§63.1348 Standards for affected sources other than kilns; in-line kiln/raw mills; clinker coolers; new and reconstructed raw material dryers; and raw and finish mills.

The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing w material dryer, at a facility which is a major source subject to the provisions of this subpart shall not se to be discharged any gases from these affected sources which exhibit opacity in excess of ten percent.

§63.1349 Performance Testing Requirements.

(a) The owner or operator of an affected source subject to this subpart shall demonstrate initial compliance with the emission limits of §63.1343 and §§63.1345 through 63.1348 using the test methods and procedures in paragraph (b) of this section and §63.7. Performance test results shall be documented in complete test reports that contain the information required by paragraphs (a)(1) through (a)(10) of this section, as well as all other relevant information. The plan to be followed during testing shall be made available to the Administrator prior to testing, if requested.

(1) A brief description of the process and the air pollution control system;

(2) Sampling location description(s);

(3) A description of sampling and analytical procedures and any modifications to standard procedures;

(4) Test results;

(5) Quality assurance procedures and results;

(6) Records of operating conditions during the test, preparation of standards, and calibration procedures;

(7) Raw data sheets for field sampling and field and laboratory analyses;

(8) Documentation of calculations;

(9) All data recorded and used to establish parameters for compliance monitoring; and

(10) Any other information required by the test method.

) Performance tests to demonstrate initial compliance with this subpart shall be conducted as specified in graphs (b)(1) through (b)(4) of this section.

(1) The owner or operator of a kiln subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting a performance test as specified in paragraphs (b)(1)(i) through (b)(1)(iv) of this section. The owner or operator of an in-line kiln/raw mill subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting separate performance tests as specified in paragraphs (b)(1)(i) through (b)(1)(iv) of this section while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating. The owner or operator of a clinker cooler subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting a performance test as specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section. The opacity exhibited during the period of the Method 5 of Appendix A to part 60 of this chapter performance tests required by paragraph (b)(1)(i) of this section shall be determined as required in paragraphs (b)(1)(v) through (vi) of this section.

(i) Method 5 of appendix A to part 60 of this chapter shall be used to determine PM emissions. Each performance test shall consist of three separate runs under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with Sec. 63.7(e). Each run shall be conducted for at least 1 hour, and the minimum sample volume shall be 0.85 dscm (30 dscf). The average of the three runs shall be used to determine compliance. A determination of the PM collected in the impingers (''back half") of the Method 5 particulate sampling train is not required to demonstrate initial compliance with the PM standards of this subpart. However, this shall not preclude the permitting authority from requiring a determination of the ''back half" for other purposes.

(ii) Suitable methods shall be used to determine the kiln or inline kiln/raw mill feed rate, except for fuels, for each run.

(iii) The emission rate, E, of PM shall be computed for each run using equation 1:

$$E = (c_s Q_{sd}) / P \qquad \textbf{(Eq 1)}$$

Where: E = emission rate of particulate matter, kg/Mg of kiln feed,
c_s = concentration of PM, kg/dscm.
Q_{sd} = volumetric flow rate of effluent gas, dscm/hr.
P = total kiln feed (dry basis), Mg/hr.

(iv) When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the main exhaust and alkali bypass of the kiln or in-line kiln/raw mill shall be tested simultaneously and the combined emission rate of particulate matter from the kiln or in-line kiln/raw mill and alkali bypass shall be computed for each run using equation 2,

$$E_c = (c_{sk}Q_{sdk} + c_{sb}Q_{sdb})/P \qquad \textbf{(Eq 2)}$$

Where: E_c = the combined emission rate of particulate matter from the kiln or in-line kiln/raw mill and bypass stack, kg/Mg of kiln feed.
c_{sk} = concentration of particulate matter in the kiln or in-line kiln/raw mill effluent, kg/dscm.
Q_{sdk} = volumetric flow rate of kiln or in-line kiln/raw mill effluent, dscm/hr.
c_{sb} = concentration of particulate matter in the alkali bypass gas, kg/dscm.
Q_{sdb} = volumetric flow rate of alkali bypass gas, dscm/hr.
P = total kiln feed (dry basis), Mg/hr.

(v) Except as provided in paragraph (b)(1)(vi) of this section the opacity exhibited during the period of the Method 5 performance tests required by paragraph (b)(1)(i) of this section shall be determined through the use of a continuous opacity monitor (COM). The maximum six-minute average opacity during the three Method 5 test runs shall be determined during each Method 5 test run, and used to demonstrate

initial compliance with the applicable opacity limits of §63.1343(b)(2), §63.1343(c)(2), or §63.1345(a)(2).

(vi) Each owner or operator of a kiln, in-line kiln/raw mill, or clinker cooler subject to the provisions of this subpart using a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks may, in lieu of installing the continuous opacity monitoring system required by paragraph (b)(1)(v) of this section, conduct an opacity test in accordance with Method 9 of appendix A to part 60 of this chapter during each Method 5 performance test required by paragraph (b)(1)(i) of this section. If the control device exhausts through a monovent, or if the use of a COM in accordance with the installation specifications of Performance Specification 1 (PS-1) of appendix B to part 60 of this chapter is not feasible, a test shall be conducted in accordance with Method 9 of appendix A to part 60 of this chapter during each Method 5 performance test required by paragraph (b)(1)(i) of this section. The maximum six-minute average opacity shall be determined during the three Method 5 test runs, and used to demonstrate initial compliance with the applicable opacity limits of §63.1343(b)(2), §63.1343(c)(2), or §63.1345(a)(2).

(2) The owner or operator of any affected source subject to limitations on opacity under this subpart that is not subject to paragraph (b)(1) of this section shall demonstrate initial compliance with the affected source opacity limit by conducting a test in accordance with Method 9 of appendix A to part 60 of this chapter. The performance test shall be conducted under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with Sec. 63.7(e). The maximum 6-minute average opacity exhibited during the test period shall be used to determine whether the affected source is in initial compliance with the standard. The duration of the Method 9 performance test shall be 3 hours (30 6-minute averages), except that the duration of the Method 9 performance test may be reduced to 1 hour if the conditions of paragraphs (b)(2)(i) through (ii) of this section apply:

(i) There are no individual readings greater than 10 percent opacity;

(ii) There are no more than three readings of 10 percent for the first 1-hour period.

(3) The owner or operator of an affected source subject to limitations on D/F emissions under this subpart shall demonstrate initial compliance with the D/F emission limit by conducting a performance test using Method 23 of appendix A to part 60 of this chapter. The owner or operator of an in-line kiln/raw mill shall demonstrate initial compliance by conducting separate performance tests while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating. The owner or operator of a kiln or in-line kiln/raw mill equipped with an alkali bypass shall conduct simultaneous performance tests of the kiln or in-line kiln/raw mill exhaust and the alkali bypass. However, the owner or operator of an in-line kiln/raw mill may conduct a performance test of the alkali bypass exhaust when the raw mill of the in-line kiln/raw mill is operating or not operating.

(i) Each performance test shall consist of three separate runs; each run shall be conducted under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with Sec. 63.7(e). The duration of each run shall be at least 3 hours, and the sample volume for each run shall be at least 2.5 dscm (90 dscf). The concentration shall be determined for each run, and the arithmetic average of the concentrations measured for the three runs shall be calculated and used to determine compliance.

(ii) The temperature at the inlet to the kiln or in-line kiln/raw mill PMCD, and where applicable, the temperature at the inlet to the alkali bypass PMCD, must be continuously recorded during the period of the Method 23 test, and the continuous temperature record(s) must be included in the performance test report.

(iii) One-minute average temperatures must be calculated for each minute of each run of the test.

(iv) The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with §63.1344(b).

(v) If activated carbon injection is used for D/F control, the rate of activated carbon injection the kiln or in-line kiln/raw mill exhaust, and where applicable, the rate of activated carbon injection to the alkali bypass exhaust, must be continuously recorded during the period of the Method 23 test, and the

continuous injection rate record(s) must be included in the performance test report. In addition, the performance test report must include the brand and type of activated carbon used during the performance test and a continuous record of either the carrier gas flow rate or the carrier gas pressure drop for the duration of the test. Activated carbon injection rate parameters must be determined in accordance with paragraphs (b)(3)(vi) of this section.

(vi) The run average injection rate must be calculated for each run, and the average of the run average injection rates must be determined and included in the performance test report and will determine the applicable injection rate limit in accordance with §63.1344(c)(1).

(4) The owner or operator of an affected source subject to limitations on emissions of THC shall demonstrate initial compliance with the THC limit by operating a continuous emission monitor in accordance with Performance Specification 8A of appendix B to part 60 of this chapter. The duration of the performance test shall be three hours, and the average THC concentration (as calculated from the one-minute averages) during the three hour performance test shall be calculated. The owner or operator of an in-line kiln/raw mill shall demonstrate initial compliance by conducting separate performance tests while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating.

(c) Except as provided in paragraph (e) of this section, performance tests required under paragraphs (b)(1) and (b)(2) of this section shall be repeated every five years, except that the owner or operator of a kiln, in-line kiln/raw mill or clinker cooler is not required to repeat the initial performance test of opacity for the kiln, in-line kiln/raw mill or clinker cooler.

(d) Performance tests required under paragraph (b)(3) of this section shall be repeated every 30 months.

(e) (1) If a source plans to undertake a change in operations that may adversely affect compliance with an applicable D/F standard under this subpart, the source must conduct a performance test and establish new temperature limit(s) as specified in paragraph (b)(3) of this section.

(2) If a source plans to undertake a change in operations that may adversely affect compliance with an applicable PM standard under Sec. 63.1343, the source must conduct a performance test as specified in paragraph (b)(1) of this section.

(f) Table 1 of this section provides a summary of the performance test requirements of this subpart.

TABLE 1 to §63.1349. SUMMARY OF PERFORMANCE TEST REQUIREMENTS

Affected source and pollutant	Performance Test
New and existing kiln and in-line kiln/raw mill[b,c] PM	EPA Method 5[a]
New and existing kiln and in-line kiln/raw mill[b,c] Opacity	COM if feasible[d,e] or EPA Method 9 visual opacity readings.
New and existing kiln and in-line kiln/raw mill[b,c,f,g] D/F	EPA Method 23[h]
New greenfield kiln and in-line kiln/raw mill[c] THC	THC CEM (EPA PS-8A)[i]
New and existing clinker cooler PM	EPA Method 5[a]
New and existing clinker cooler opacity	COM[d,j] or EPA Method 9 visual opacity readings

Affected source and pollutant	Performance Test
New and existing raw and finish mill opacity	EPA Method 9[a,j]
New and existing raw material dryer and materials handling processes (raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging, and bulk loading and unloading systems) opacity	EPA Method 9[a,j]
New greenfield raw material dryer THC	THC CEM (EPA PS-8A)[i]

[a] Required initially and every 5 years thereafter.
[b] Includes main exhaust and alkali bypass.
[c] In-line kiln/raw mill to be tested with and without raw mill in operation.
[d] Must meet COM performance specification criteria If the fabric filter or electrostatic precipitator has multiple stacks, daily EPA Method 9 visual opacity readings may be taken instead of using a COM.
[e] Opacity limit is 20 percent.
[f] Alkali bypass is tested with the raw mill operating or not operating.
[g] Temperature and (if applicable) activated carbon injection parameters determined separately with and without the raw mill operating.
[h] Required initially and every 30 months thereafter.
[i] EPA Performance Specification (PS)-8A of appendix B to part 60 of this chapter.
[j] Opacity limit is 10 percent.

(3) In preparation for and while conducting a performance test required in paragraph (e)(1) of this section, a source may operate under the planned operational change conditions for a period not to exceed 360 hours, provided that the conditions in paragraphs (e)(3)(i) through (iv) of this section are met. The source shall submit temperature and other monitoring data that are recorded during the pretest operations.

(i) The source must provide the Administrator written notice at least 60 days prior to undertaking an operational change that may adversely affect compliance with an applicable standard under this subpart, or as soon as practicable where 60 days advance notice is not feasible. Notice provided under this paragraph shall include a description of the planned change, the emissions standards that may be affected by the change, and a schedule for completion of the performance test required under paragraph (e)(1) of this section, including when the planned operational change period would begin.

(ii) The performance test results must be documented in a test report according to paragraph (a) of this section.

(iii) A test plan must be made available to the Administrator prior to testing, if requested.

(iv) The performance test must be conducted, and it must be completed within 360 hours after the planned operational change period begins.

§63.1350 Monitoring requirements.

(a) The owner or operator of each portland cement plant shall prepare for each affected source subject to the provisions of this subpart, a written operations and maintenance plan. The plan shall be submitted to the Administrator for review and approval as part of the application for a part 70 permit and shall include the following information:

(1) Procedures for proper operation and maintenance of the affected source and air pollution control devices in order to meet the emission limits and operating limits of §§63.1343 through 63.1348;

(2) Corrective actions to be taken when required by paragraph (e) of this section;

(3) Procedures to be used during an inspection of the components of the combustion system of each kiln and each in-line kiln raw mill located at the facility at least once per year; and

(4) Procedures to be used to periodically monitor affected sources subject to opacity standards under §§63.1346 and 63.1348. Such procedures must include the provisions of paragraphs (a)(4)(i) through (a)(4)(iv) of this section.

(i) The owner or operator must conduct a monthly 1-minute visible emissions test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation.

(ii) If no visible emissions are observed in six consecutive monthly tests for any affected source, the owner or operator may decrease the frequency of testing from monthly to semi-annually for that affected source. If visible emissions are observed during any semi-annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.

(iii) If no visible emissions are observed during the semi-annual test for any affected source, the owner or operator may decrease the frequency of testing from semi-annually to annually for that affected source. If visible emissions are observed during any annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.

(iv) If visible emissions are observed during any Method 22 test, the owner or operator must conduct a 6-minute test of opacity in accordance with Method 9 of appendix A to part 60 of this chapter. The Method 9 test must begin within one hour of any observation of visible emissions.

(v) The requirement to conduct Method 22 visible emissions monitoring under this paragraph shall not apply to any totally enclosed conveying system transfer point, regardless of the location of the transfer point. ``Totally enclosed conveying system transfer point'' shall mean a conveying system transfer point that is enclosed on all sides, top, and bottom. The enclosures for these transfer points shall be operated and maintained as total enclosures on a continuing basis in accordance with the facility operations and maintenance plan.

(vi) If any partially enclosed or unenclosed conveying system transfer point is located in a building, the owner or operator of the portland cement plant shall have the option to conduct a Method 22 visible emissions monitoring test according to the requirements of paragraphs (a)(4)(i) through (iv) of this section for each such conveying system transfer point located within the building, or for the building itself, according to paragraph (a)(4)(vii) of this section.

(vii) If visible emissions from a building are monitored, the requirements of paragraphs (a)(4)(i) through (iv) of this section apply to the monitoring of the building, and you must also test visible emissions from each side, roof and vent of the building for at least 1 minute. The test must be conducted under normal operating conditions.

(b) Failure to comply with any provision of the operations and maintenance plan developed in accordance with paragraph (a) of this section shall be a violation of the standard.

(c) The owner or operator of a kiln or in-line kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(1) Except as provided in paragraph (c)(2) of this section, the owner or operator shall install, calibrate, maintain, and continuously operate a continuous opacity monitor (COM) located at the outlet of the PM control device to continuously monitor the opacity. The COM shall be installed, maintained, calibrated, and operated as required by subpart A, general provisions of this part, and according to PS-1 of appendix B to part 60 of this chapter.

(2) The owner or operator of a kiln or in-line kiln/raw mill subject to the provisions of this subpart using a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks may, in lieu of

installing the continuous opacity monitoring system required by paragraph (c)(1) of this section, monitor ·city in accordance with paragraphs (c)(2)(i) through (ii) of this section. If the control device exhausts ·ugh a monovent, or if the use of a COM in accordance with the installation specifications of PS-1 of ·endix B to part 60 of this chapter is not feasible, the owner or operator must monitor opacity in accordance with paragraphs (c)(2)(i) through (ii) of this section.

(i) Perform daily visual opacity observations of each stack in accordance with the procedures of Method 9 of appendix A to part 60 of this chapter. The Method 9 test shall be conducted while the affected source is operating at the representative performance conditions. The duration of the Method 9 test shall be at least 30 minutes each day.

(ii) Use the Method 9 procedures to monitor and record the average opacity for each six-minute period during the test.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute block period exceeds 20 percent, this shall constitute a violation of the standard.

(d) The owner or operator of a clinker cooler shall monitor opacity at each point where emissions are vented from the clinker cooler in accordance with paragraphs (d)(1) through (d)(3) of this section.

(1) Except as provided in paragraph (d)(2) of this section, the owner or operator shall install, calibrate, maintain, and continuously operate a COM located at the outlet of the clinker cooler PM control device to continuously monitor the opacity. The COM shall be installed, maintained, calibrated, and operated as required by subpart A, general provisions of this part, and according to PS-1 of appendix B to part 60 of this chapter.

(2) The owner or operator of a clinker cooler subject to the provisions of this subpart using a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks may, in lieu of installing the continuous opacity monitoring system required by paragraph (d)(1) of this section, monitor opacity in ·cordance with paragraphs (d)(2)(i) through (ii) of this section. If the control device exhausts through a ·novent, or if the use of a COM in accordance with the installation specifications of PS-1 of appendix B to ·60 of this chapter is not feasible, the owner or operator must monitor opacity in accordance with paragraphs (d)(2)(i) through (ii) of this section.

(i) Perform daily visual opacity observations of each stack in accordance with the procedures of Method 9 of appendix A to part 60 of this chapter. The Method 9 test shall be conducted while the affected source is operating at the representative performance conditions. The duration of the Method 9 test shall be at least 30 minutes each day.

(ii) Use the Method 9 procedures to monitor and record the average opacity for each six-minute period during the test.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 10 percent. If the average opacity for any 6-minute block period exceeds 10 percent, this shall constitute a violation of the standard.

(e) The owner or operator of a raw mill or finish mill shall monitor opacity by conducting daily visual emissions observations of the mill sweep and air separator PMCD of these affected sources in accordance with the procedures of Method 22 of appendix A to part 60 of this chapter. The Method 22 test shall be conducted while the affected source is operating at the representative performance conditions. The duration of the Method 22 test shall be 6 minutes. If visible emissions are observed during any Method 22 visible emissions test, the owner or operator must:

(1) Initiate, within one-hour, the corrective actions specified in the site specific operating and maintenance plan developed in accordance with paragraphs (a)(1) and (a)(2) of this section; and

(2) Within 24 hours of the end of the Method 22 test in which visible emissions were observed, conduct a followup Method 22 test of each stack from which visible emissions were observed during the ·revious Method 22 test. If visible emissions are observed during the followup Method 22 test from any stack ·n which visible emissions were observed during the previous Method 22 test, conduct a visual opacity test

of each stack from which emissions were observed during the follow up Method 22 test in accordance with Method 9 of appendix A to part 60 of this chapter. The duration of the Method 9 test shall be 30 minutes.

(f) The owner or operator of an affected source subject to a limitation on D/F emissions shall monitor D/F emissions in accordance with paragraphs (f)(1) through (f)(6) of this section.

(1) The owner or operator shall install, calibrate, maintain, and continuously operate a continuous monitor to record the temperature of the exhaust gases from the kiln, in-line kiln/raw mill and alkali bypass, if applicable, at the inlet to, or upstream of, the kiln, in-line kiln/raw mill and/or alkali bypass PM control devices.

(i) The recorder response range must include zero and 1.5 times either of the average temperatures established according to the requirements in §63.1349(b)(3)(iv).

(ii) The reference method must be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or alternate reference, subject to approval by the Administrator.

(2) The owner or operator shall monitor and continuously record the temperature of the exhaust gases from the kiln, in-line kiln/raw mill and alkali bypass, if applicable, at the inlet to the kiln, in-line kiln/raw mill and/or alkali bypass PMCD.

(3) The three-hour rolling average temperature shall be calculated as the average of 180 successive one-minute average temperatures.

(4) Periods of time when one-minute averages are not available shall be ignored when calculating three-hour rolling averages. When one-minute averages become available, the first one-minute average is added to the previous 179 values to calculate the three-hour rolling average.

(5) When the operating status of the raw mill of the in-line kiln/raw mill is changed from off to on, or from on to off the calculation of the three-hour rolling average temperature must begin anew, without considering previous recordings.

(6) The calibration of all thermocouples and other temperature sensors shall be verified at least once every three months.

(g) The owner or operator of an affected source subject to a limitation on D/F emissions that employs carbon injection as an emission control technique shall comply with the monitoring requirements of paragraphs (f)(1) through (f)(6) and (g)(1) through (g)(6) of this section to demonstrate continuous compliance with the D/F emission standard.

(1) Install, operate, calibrate and maintain a continuous monitor to record the rate of activated carbon injection. The accuracy of the rate measurement device must be ± 1 percent of the rate being measured.

(2) Verify the calibration of the device at least once every three months.

(3) The three-hour rolling average activated carbon injection rate shall be calculated as the average of 180 successive one-minute average activated carbon injection rates.

(4) Periods of time when one-minute averages are not available shall be ignored when calculating three-hour rolling averages. When one-minute averages become available, the first one-minute average is added to the previous 179 values to calculate the three-hour rolling average.

(5) When the operating status of the raw mill of the in-line kiln/raw mill is changed from off to on, or from on to off the calculation of the three-hour rolling average activated carbon injection rate must begin anew, without considering previous recordings.

(6) The owner or operator must install, operate, calibrate and maintain a continuous monitor to record the activated carbon injection system carrier gas parameter (either the carrier gas flow rate or the carrier gas pressure drop) established during the D/F performance test in accordance with paragraphs (g)(6)(i) through (g)(6)(iii) of this section.

(i) The owner or operator shall install, calibrate, operate and maintain a device to continuously monitor and record the parameter value.

(ii) The owner or operator must calculate and record three-hour rolling averages of the parameter value.

(iii) Periods of time when one-minute averages are not available shall be ignored when calculating three-hour rolling averages. When one-minute averages become available, the first one-minute average shall be added to the previous 179 values to calculate the three-hour rolling average.

(h) The owner or operator of an affected source subject to a limitation on THC emissions under this subpart shall comply with the monitoring requirements of paragraphs (h)(1) through (h)(3) of this section to demonstrate continuous compliance with the THC emission standard:

(1) The owner or operator shall install, operate and maintain a THC continuous emission monitoring system in accordance with Performance Specification 8A, of appendix B to part 60 of this chapter and comply with all of the requirements for continuous monitoring systems found in the general provisions, subpart A of this part.

(2) The owner or operator is not required to calculate hourly rolling averages in accordance with section 4.9 of Performance Specification 8A.

(3) Any thirty-day block average THC concentration in any gas discharged from a greenfield raw material dryer, the main exhaust of a greenfield kiln, or the main exhaust of a greenfield in-line kiln/raw mill, exceeding 50 ppmvd, reported as propane, corrected to seven percent oxygen, is a violation of the standard.

(i) The owner or operator of any kiln or in-line kiln/raw mill subject to a D/F emission limit under this subpart shall conduct an inspection of the components of the combustion system of each kiln or in-line kiln raw mill at least once per year.

(j) The owner or operator of an affected source subject to a limitation on opacity under §63.1346 or §63.1348 shall monitor opacity in accordance with the operation and maintenance plan developed in accordance with paragraph (a) of this section.

The owner or operator of an affected source subject to a particulate matter standard under §63.1343 shall install, calibrate, maintain and operate a particulate matter continuous emission monitoring system (PM CEMS) to measure the particulate matter discharged to the atmosphere. All requirements relating to installation, calibration, maintenance, operation or performance of the PM CEMS and implementation of the PM CEMS requirement are deferred pending further rulemaking.

(l) An owner or operator may submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the emission standards of this subpart, except for emission standards for THC, subject to the provisions of paragraphs (l)(1) through (l)(6) of this section.

(1) The Administrator will not approve averaging periods other than those specified in this section, unless the owner or operator documents, using data or information, that the longer averaging period will ensure that emissions do not exceed levels achieved during the performance test over any increment of time equivalent to the time required to conduct three runs of the performance test.

(2) If the application to use an alternate monitoring requirement is approved, the owner or operator must continue to use the original monitoring requirement until approval is received to use another monitoring requirement.

(3) The owner or operator shall submit the application for approval of alternate monitoring requirements no later than the notification of performance test. The application must contain the information specified in paragraphs (l)(3)(i) through (l)(3)(iii) of this section:

(i) Data or information justifying the request, such as the technical or economic infeasibility, or the impracticality of using the required approach;

(ii) A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach and technique, the averaging period for the limit, and how the limit is to be calculated; and

(iii) Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard.

(4) The Administrator will notify the owner or operator of the approval or denial of the application within 90 calendar days after receipt of the original request, or within 60 calendar days of the receipt of any supplementary information, whichever is later. The Administrator will not approve an alternate monitoring application unless it would provide equivalent or better assurance of compliance with the relevant emission standard. Before disapproving any alternate monitoring application, the Administrator will provide:

(i) Notice of the information and findings upon which the intended disapproval is based; and

(ii) Notice of opportunity for the owner or operator to present additional supporting information before final action is taken on the application. This notice will specify how much additional time is allowed for the owner or operator to provide additional supporting information.

(5) The owner or operator is responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves the owner or operator of the responsibility to comply with any provision of this subpart.

(6) The Administrator may decide at any time, on a case-by-case basis that additional or alternative operating limits, or alternative approaches to establishing operating limits, are necessary to demonstrate compliance with the emission standards of this subpart.

(m) The requirements under paragraph (e) of this section to conduct daily Method 22 testing shall not apply to any specific raw mill or finish mill equipped with a continuous opacity monitor COM or bag leak detection system (BLDS). If the owner or operator chooses to install a COM in lieu of conducting the daily visual emissions testing required under paragraph (e) of this section, then the COM must be installed at the outlet of the PM control device of the raw mill or finish mill, and the COM must be installed, maintained, calibrated, and operated as required by the general provisions in subpart A of this part and according to PS-1 of appendix B to part 60 of this chapter. To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 10 percent. If the average opacity for any 6-minute block period exceeds 10 percent, this shall constitute a violation of the standard. If the owner or operator chooses to install a BLDS in lieu of conducting the daily visual emissions testing required under paragraph (e) of this section, the requirements in paragraphs (m)(1) through (9) of this section apply to each BLDS:

(1) The BLDS must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less. ''Certify" shall mean that the instrument manufacturer has tested the instrument on gas streams having a range of particle size distributions and confirmed by means of valid filterable PM tests that the minimum detectable concentration limit is at or below 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(2) The sensor on the BLDS must provide output of relative PM emissions.

(3) The BLDS must have an alarm that will activate automatically when it detects a significant increase in relative PM emissions greater than a preset level.

(4) The presence of an alarm condition should be clearly apparent to facility operating personnel.

(5) For a positive-pressure fabric filter, each compartment or cell must have a bag leak detector. For a negative-pressure or induced-air fabric filter, the bag leak detector must be installed downstream of the fabric filter. If multiple bag leak detectors are required (for either type of fabric filter), detectors may share the system instrumentation and alarm.

(6) All BLDS must be installed, operated, adjusted, and maintained so that they are based on the manufacturer's written specifications and recommendations. The EPA recommends that where appropriate, the standard operating procedures manual for each bag leak detection system include concepts from EPA's ''Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997).

(7) The baseline output of the system must be established as follows:

(i) Adjust the range and the averaging period of the device; and

(ii) Establish the alarm set points and the alarm delay time.

(8) After initial adjustment, the range, averaging period, alarm set points, or alarm delay time may be adjusted except as specified in the operations and maintenance plan required by paragraph (a) of this ion. In no event may the range be increased by more than 100 percent or decreased by more than 50 percent over a 1 calendar year period unless a responsible official as defined in Sec. 63.2 certifies in writing to the Administrator that the fabric filter has been inspected and found to be in good operating condition.

(9) The owner or operator must maintain and operate the fabric filter such that the bag leak detector alarm is not activated and alarm condition does not exist for more than 5 percent of the total operating time in a 6-month block period. Each time the alarm activates, alarm time will be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the fabric filter demonstrates that no corrective actions are necessary, no alarm time will be counted. The owner or operator must continuously record the output from the BLDS during periods of normal operation. Normal operation does not include periods when the BLDS is being maintained or during startup, shutdown or malfunction.

(n) A summary of the monitoring requirements of this subpart is given in Table 1 to this section.

Table 1 to §63.1350. Monitoring Requirements.

Affected Source/Pollutant or Opacity	Monitor Type/ Operation/Process	Monitoring Requirements
All affected sources	Operations and maintenance plan	Prepare written plan for all affected sources and control devices
All kilns and in-line kiln raw mills at major sources (including alkali bypass)/opacity	Continuous opacity monitor, if applicable	Install, calibrate, maintain and operate in accordance with general provisions and with PS-1
	Method 9 opacity test, if applicable	Daily test of at least 30-minutes, while kiln is at highest load or capacity level
Kilns and in-line kiln raw mills at major sources (including alkali bypass)/particulate matter	Particulate matter continuous emission monitoring system	Deferred
Kilns and in-line kiln raw mills at major sources (including alkali bypass)/ D/F	Combustion system inspection	Conduct annual inspection of components of combustion system
	Continuous temperature monitoring at PMCD inlet	Install, operate, calibrate and maintain continuous temperature monitoring and recording system; calculate three-hour rolling averages; verify temperature sensor calibration at least quarterly
Kilns and in-line kiln raw mills at major sources (including alkali bypass)/ D/F (continued)	Activated carbon injection rate monitor, if applicable	Install, operate, calibrate and maintain continuous activated carbon injection rate monitor; calculate three-hour rolling averages; verify calibration at least quarterly; install, operate, calibrate and maintain carrier gas flow rate monitor or carrier gas pressure drop monitor; calculate three-hour rolling averages; document carbon specifications
New greenfield kilns and in-line kiln raw mills at major sources/THC	Total hydrocarbon continuous emission monitor	Install, operate, and maintain THC CEM in accordance with PS-8A; calculate 30-day block average THC concentration
Clinker coolers at major sources/opacity	Continuous opacity monitor, if applicable	Install, calibrate, maintain and operate in accordance with general provisions and with PS-1
	Method 9 opacity test, if applicable	Daily test of at least 30-minutes, while kiln is at highest load or capacity level.
Raw mills and finish mills at major sources/opacity	Method 22 visible emissions test (This requirement does not apply to a raw mill or finish mill equipped with a continuous opacity monitor or bag leak detection system)	Conduct daily 6-minute Method 22 visible emissions test while mill is operating at highest load or capacity level; if visible emissions are observed, initiate corrective action within one hour and conduct 30-minute Method 9 test within 24 hours
	Continuous opacity monitoring, if applicable	Install, operate, and maintain in accordance with general provisions and with PS-1. A six-minute average greater than 10% opacity is a violation
	Bag leak detection system, if applicable	Install, operate and maintain in accordance with Sec. 63.1350(m). Operate and maintain such that alarm is not activated and alarm condition does not exist for more than 4% of the total operating time in a 6-month period. If alarm sounds, initiate corrective action.
New greenfield raw material dryers at major sources/THC	Total hydrocarbon continuous emission monitor	Install, operate, and maintain THC CEM in accordance with PS-8A; calculate 30-day block average THC concentration
Raw material dryers; raw material, clinker, finished product storage bins; conveying system transfer points; bagging systems; and bulk loading and unloading systems at	Method 22 visible emissions test	As specified in operation and maintenance plan

Affected Source/Pollutant or Opacity	Monitor Type/ Operation/Process	Monitoring Requirements
jor sources/opacity		

§63.1351 Compliance dates.

(a) The compliance date for an owner or operator of an existing affected source subject to the provisions of this subpart is June 14, 2002.

(b) The compliance date for an owner or operator of an affected source subject to the provisions of this subpart that commences new construction or reconstruction after March 24, 1998 is June 14, 1999 or upon startup of operations, whichever is later.

63.1352 Additional Test Methods.

(a) Owners or operators conducting tests to determine the rates of emission of hydrogen chloride (HCl) from kilns, in-line kiln/raw mills and associated bypass stacks at portland cement manufacturing facilities, for use in applicability determinations under §63.1340 are permitted to use Method 320 or Method 321 of appendix A of this part.

(b) Owners or operators conducting tests to determine the rates of emission of hydrogen chloride (HCl) from kilns, in-line kiln/raw mills and associated bypass stacks at portland cement manufacturing facilities, for use in applicability determinations under §63.1340 are permitted to use Methods 26 or 26A of appendix A to part 60 of this chapter.

Owners or operators conducting tests to determine the rates of emission of specific organic HAP from raw material dryers, kilns and in-line kiln/raw mills at portland cement manufacturing facilities, for use in applicability determinations under §63.1340 of this subpart are permitted to use Method 320 of appendix A to this part, or Method 18 of appendix A to part 60 of this chapter.

NOTIFICATION, REPORTING AND RECORDKEEPING

§63.1353 Notification requirements.

(a) The notification provisions of 40 CFR part 63, subpart A that apply and those that do not apply to owners and operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a notice that contains all of 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.

(b) Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in §63.9 as follows:

(1) Initial notifications as required by §63.9(b) through (d). For the purposes of this subpart, a Title V or 40 CFR part 70 permit application may be used in lieu of the initial notification required under §63.9(b), provided the same information is contained in the permit application as required by §63.9(b), and the State to which the permit application has been submitted has an approved operating permit program under part 70 of this chapter and has received delegation of authority from the EPA. Permit applications shall be submitted by the same due dates as those specified for the initial notification.

(2) Notification of performance tests, as required by §§63.7 and 63.9(e).

(3) Notification of opacity and visible emission observations required by §63.1349 in accordance with §§63.6(h)(5) and 63.9(f).

(4) Notification, as required by §63.9(g), of the date that the continuous emission monitor performance evaluation required by §63.8(e) of this part is scheduled to begin.

(5) Notification of compliance status, as required by §63.9(h).

§63.1354 Reporting requirements.

(a) The reporting provisions of subpart A of this part that apply and those that do not apply to owners or operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a report that contains all of the information required in a report listed in this section, the 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.

(b) The owner or operator of an affected source shall comply with the reporting requirements specified in §63.10 of the general provisions of this part 63, subpart A as follows:

(1) As required by §63.10(d)(2), the owner or operator shall report the results of performance tests as part of the notification of compliance status.

(2) As required by §63.10(d)(3), the owner or operator of an affected source shall report the opacity results from tests required by §63.1349.

(3) As required by §63.10(d)(4), 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 by the dates specified in the written extension of compliance.

(4) As required by §63.10(d)(5), 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 specified in §63.6(e)(3), the owner or operator shall state such information in a semiannual report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report may be submitted simultaneously with the excess emissions and continuous monitoring system performance reports; and

(5) 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 in the startup, shutdown, and malfunction plan, the owner or operator shall make an immediate report of the actions taken for that event within 2 working days, by telephone call or facsimile (FAX) transmission. The immediate report shall be followed by a letter, certified by the owner or operator or other responsible official, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred.

(6) As required by §63.10(e)(2), the owner or operator shall submit a written report of the results of the performance evaluation for the continuous monitoring system required by §63.8(e). The owner or operator shall submit the report simultaneously with the results of the performance test.

(7) As required by §63.10(e)(2), the owner or operator of an affected source using a continuous opacity monitoring system to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall report the results of the continuous opacity monitoring system performance evaluation conducted under §63.8(e).

(8) As required by §63.10(e)(3), the owner or operator of an affected source equipped with a continuous emission monitor shall submit an excess emissions and continuous monitoring system performance report for any event when the continuous monitoring system data indicate the source is not in compliance with the applicable emission limitation or operating parameter limit.

(9) The owner or operator shall submit a summary report semiannually which contains the information specified in §63.10(e)(3)(vi). In addition, the summary report shall include:

(i) All exceedences of maximum control device inlet gas temperature limits specified in §63.1344(a) and (b);

(ii) All failures to calibrate thermocouples and other temperature sensors as required under §63.1350(f)(7) of this subpart; and

(iii) All failures to maintain the activated carbon injection rate, and the activated carbon injection carrier gas flow rate or pressure drop, as applicable, as required under §63.1344(c).

(iv) The results of any combustion system component inspections conducted within the reporting period as required under §63.1350(i).

(v) All failures to comply with any provision of the operation and maintenance plan developed in accordance with §63.1350(a).

(10) If the total continuous monitoring system downtime for any CEM or any continuous monitoring system (CMS) for the reporting period is ten percent or greater of the total operating time for the reporting period, the owner or operator shall submit an excess emissions and continuous monitoring system performance report along with the summary report.

§63.1355 Recordkeeping requirements.

(a) The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by §63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two years of data shall be retained on site. The remaining three years of data may be retained off site. The files may be maintained on microfilm, on a computer, on floppy disks, on magnetic tape, or on microfiche.

(b) The owner or operator shall maintain records for each affected source as required by §63.10(b)(2) and §63.10(b)(3) of this part; and

(1) All documentation supporting initial notifications and notifications of compliance status under §63.9 of this part;

(2) All records of applicability determination, including supporting analyses; and

(3) If the owner or operator has been granted a waiver under §63.8(f)(6), any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements.

(c) In addition to the recordkeeping requirements in paragraph (b) of this section, the owner or operator of an affected source equipped with a continuous monitoring system shall maintain all records required by §63.10(c).

OTHER

§63.1356 Exemption from new source performance standards.

(a) Except as provided in paragraphs (a)(1) and (a)(2) of this section, any affected source subject to the provisions of this subpart is exempted from any otherwise applicable new source performance standard contained in subpart F or subpart OOO of part 60 of this chapter.

(1) Reserved

(2) Reserved

(b) The requirements of subpart Y of part 60 of this chapter, "Standards of Performance for Coal Preparation Plants," do not apply to conveying system transfer points used to convey coal from the mill to the kiln that are associated with coal preparation at a portland cement plant that is a major source under this subpart.

§63.1357 Temporary, conditioned exemption from particulate matter and opacity standards.

(a) Subject to the limitations of paragraphs (b) through (f) of this section, an owner or operator conducting PM CEMS correlation tests (that is, correlation with manual stack methods) is exempt from:

(1) Any particulate matter and opacity standards of part 60 or part 63 of this chapter that are applicable to cement kilns and in-line kiln/raw mills.

(2) Any permit or other emissions or operating parameter or other limitation on workplace practices that are applicable to cement kilns and in-line kiln raw mills to ensure compliance with any particulate matter and opacity standards of this part or part 60 of this chapter.

(b) The owner or operator must develop a PM CEMS correlation test plan. The plan must be submitted to the Administrator for approval at least 90 days before the correlation test is scheduled to be conducted. The plan must include:

(1) The number of test conditions and the number of runs for each test condition;

(2) The target particulate matter emission level for each test condition;

(3) How the operation of the affected source will be modified to attain the desired particulate matter emission rate; and

(4) The anticipated normal particulate matter emission level.

(c) The Administrator will review and approve or disapprove the correlation test plan in accordance with §63.7(c)(3)(i) and (iii). If the Administrator fails to approve or disapprove the correlation test plan within the time period specified in §63.7(c)(3)(iii), the plan shall be considered approved, unless the Administrator has requested additional information.

(d) The stack sampling team must be on-site and prepared to perform correlation testing no later than 24 hours after operations are modified to attain the desired particulate matter emissions concentrations, unless the correlation test plan documents that a longer period is appropriate.

(e) The PM and opacity standards and associated operating limits and conditions will not be waived for more than 96 hours, in the aggregate, for the purposes of conducting tests to correlate PM CEMS with manual method test results, including all runs and conditions, except as described in this paragraph. Where additional time is required to correlate a PM CEMS device, a source may petition the Administrator for an extension of the 96-hour aggregate waiver of compliance with the PM and opacity standards. An extension of the 96-hour aggregate waiver is renewable at the discretion of the Administrator.

(f) The owner or operator must return the affected source to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed.

§63.1358 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 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 ıder subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the ministrator 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. 63.1340, 63.1342 through 63.1348, and 63.1351.

(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.

§63.1359 [Reserved]

Appendix A to Subpart LLL- General Provisions

§ 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 ıpersede definitions in § 63.2.

(2) This part contains national emission standards for hazardous air pollutants (NESHAP) established suant 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 section112(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 ct, 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 § 63.9(i).

(13) Reserved

(14) Reserved

(b) *Initial applicability determination for this part.*

(1) **§ 63.1340 specifies applicability.**

(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 § 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.

Except as provided in § 63.10(b)(3), if a relevant standard has been established under this part, the owner or operator of an affected source may be required to obtain a title V permit from a permitting authority in the State in which the source is located. {**Area sources must obtain Title V permits.**} Emission standards promulgated in this part for area sources 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.

§ 63.2 Definitions.

Additional definitions in § 63.1341.
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. 9).

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 plan means a plan that contains all of the following:

(1) A description of the compliance status of the affected source with respect to all applicable requirements established under this part;

(2) A description as follows:

(i) For applicable requirements for which the source is in compliance, a statement that the source will continue to comply with such requirements;

(ii) For applicable requirements that the source is required to comply with by a future date, a statement that the source will meet such requirements on a timely basis;

(iii) For applicable requirements for which the source is not in compliance, a narrative description of how the source will achieve compliance with such requirements on a timely basis;

(3) A compliance schedule, as defined in this section; and

(4) A schedule for the submission of certified progress reports no less frequently than every 6 months for affected sources required to have a schedule of compliance to remedy a violation.

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 constructed.

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.

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

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

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

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

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

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

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

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

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

Permitting authority means:

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

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

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 °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.

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

(a) System International (SI) units of measure:

A = ampere
g = gram
Hz = hertz
J = joule
°K = degree Kelvin

kg = kilogram
l = liter
m = meter
m^3 = cubic meter
mg = milligram = 10^{-3} gram
ml = milliliter = 10^{-3} liter
mm = millimeter = 10^{-3} meter
Mg = megagram = 10^{6} gram = metric ton
MJ = megajoule
mol = mole
N = newton
ng = nanogram = 10^{-9} gram
nm = nanometer = 10^{-9} meter
Pa = pascal
s = second
V = volt
W = watt
Ω = ohm
µg = microgram = 10^{-6} gram
µl = microliter = 10^{-6} liter

(b) Other units of measure:

Btu = British thermal unit
°C = degree Celsius (centigrade)
cal = calorie
cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet
d = day
dcf = dry cubic feet
dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
°F = degree Fahrenheit
ft = feet
ft^2 = square feet
ft^3 = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent
g-mole = gram mole
hr = hour
in. = inch
in. 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
°R = degree Rankine
scf = cubic feet at standard conditions
scfh = cubic feet at standard conditions per hour
scm = cubic meter at standard conditions
scmm= cubic meter at standard conditions per minute
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd^2 = square yards
yr = year

(c) Miscellaneous:
act = actual
avg = average
I.D. = inside diameter
M = molar
N = normal
O.D. = outside diameter
% = percent

§ 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;

(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.

(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.

(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).

(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) (i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section must submit to the Administrator an application for approval of

the construction or reconstruction. The application must be submitted as soon as practicable before actual construction or reconstruction begins. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of § 63.9(b)(5). The owner or operator may submit the application for approval well in advance of the date actual construction or reconstruction begins in order to ensure a timely review by the Administrator and that the planned date to begin will not be delayed.

(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) 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 § 63.9(h) (see § 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 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).

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

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

(i) The promulgated standard (that is, the relevant standard) is more stringent than the proposed standard; for purposes of this paragraph, a finding that controls or compliance methods are "more 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 § 63.9(d).

(6) [Reserved]

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

(c) *Compliance dates for existing sources.*

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

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

(3)–(4) [Reserved]

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

(d) [Reserved]

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.

(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 recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan for that event. In addition, the owner or operator must keep records of these events as specified in § 63.10(b), including records of the occurrence and duration of each startup, shutdown, or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in § 63.10(d)(5).

(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 Sec. 63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).

(v) The owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the startup, shutdown, and malfunction plan is subsequently revised as provided in paragraph (e)(3)(viii) of this section, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption of a startup, shutdown, and malfunction plan the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator. The Administrator may at any time request in writing that the owner or operator submit a copy of any startup, shutdown, and malfunction plan (or a portion thereof) which is maintained at the affected source or in the possession of the owner or operator. Upon receipt of such a request, the owner or operator must promptly submit a copy of the requested plan (or a portion thereof) to the Administrator. The Administrator must request that the owner or operator submit a particular startup, shutdown, or malfunction plan (or a portion thereof) whenever a member of the public submits a specific and reasonable request to examine or to receive a copy of that plan or portion of a plan. The owner or operator may elect to submit the required copy of any startup, shutdown, and malfunction plan to the Administrator in an electronic format. If the owner or operator claims that any portion of such a startup, shutdown, and malfunction plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40 CFR 2.301, the material which is claimed as confidential must be clearly designated in the submission.

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

(vii) Based on the results of a determination made under paragraph (e)(1)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator must require appropriate revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

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

(B) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

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

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

(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) The performance test was appropriately quality-assured, as specified in § 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 § 63.7 and § 63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in § 63.7 and § 63.8.

(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 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 § 63.7(e); and

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

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

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

The visible emissions observer shall determine whether visibility or other conditions prevent the opacity or visible emission observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 or Test Method 22 in appendix A of part 60 of this chapter.

(ii) **Test duration specified in Subpart LLL.**

(iii) **Test duration specified in Subpart LLL.**

(iv) **Test duration specified in Subpart LLL.**

(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 § 63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of § 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 § 63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under § 63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under § 63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under § 63.7(b) of the date the subsequent performance test is scheduled to begin.

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

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

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

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

(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 § 63.7, but

during the time such performance tests were conducted fails to meet any relevant opacity emission standard, the owner or operator of such source may petition the Administrator to make appropriate adjustment to the opacity emission standard for the affected source. Until the Administrator notifies the owner or operator of the appropriate adjustment, the relevant opacity emission standard remains applicable.

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

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

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

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

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

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

(i) *Extension of compliance with emission standards.*

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

(2) *Extension of compliance for early reductions and other reductions*

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

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

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

(4) (i) (A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of

compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

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

(C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B) of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator. This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.

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

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

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

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

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

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

(2) The date by which final compliance is to be achieved;

(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 ...t source by the relevant emission standard.

(7) Advice on requesting an extension of compliance may be obtained from the Administrator (or the ...tate 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 ...pproved permit program) progress reports indicating whether the steps toward compliance outlined in the ...pliance schedule have been reached. The contents of the progress reports and the dates by which they ...all 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 ...ing 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.* {**§ 63.1349 has specific requirements**}

(1) The applicability of this section is set out in § 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 § 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 the notification requirement specified in paragraph (b)(1) of this section due to unforeseeable umstances 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 f 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 § 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) 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 § 63.7(f).

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

(g) *Data analysis, recordkeeping, and reporting.*

(1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is "completed" when field sample collection is terminated. The

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

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

(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 § 63.6(i)(8); or

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

§ 63.8 Monitoring requirements.

Applicability.

(1) The applicability of this section is set out in § 63.1(a)(4).
(2) **§ 63.1350 includes CEM requirements.**
(3) [Reserved]
(4) **Flares not applicable.**

(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) (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. **Performance specification supersedes requirements for THC CEM. Temperature and activated carbon injection monitoring data reduction requirements given in subpart LLL.**

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

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

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

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

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

(7) (i) A CMS is out of control if -

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

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

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

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

(8) The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and

descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in § 63.10(e)(3).

(d) *Quality control program.*

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

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

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

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

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

(iv) Data recording, calculations, and reporting;

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

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

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

(e) *Performance evaluation of continuous monitoring systems* -**{Performance specification supersedes requirements for THC CEM.**

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

(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 § 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 mpliance during any performance test required under § 63.7 and described in § 63.6(d)(6) shall furnish the ministrator two or, upon request, three copies of a written report of the results of the COMS performance

evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under § 63.7 is conducted.

(f) *Use of an alternative monitoring method* - **{Additional requirements in § 63.1350(I).}**

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

(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) 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 § 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 § 63.7, or other tests performed following the criteria in § 63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

(iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 cent 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) (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 § 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 § 63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

§ 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 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 § 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 § 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) 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.* The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under § 63.7(c), if requested by the Administrator, and to have an observer present during the test.

(f) *Notification of opacity and visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in § 63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under § 63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place. **{Notification not required for VE/ opacity tests under 63.1350(e) and (j).**

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

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

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

(h) *Notification of compliance status.*

(1) The requirements of paragraphs (h)(2) through (h)(4)of this section apply when an affected source comes 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 § 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of § 63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

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

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

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

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

§ 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 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) 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 § 63.6(e)(3));

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

(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 sections, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under § 63.8(f)(6); and

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

(3) *Recordkeeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability

determinations under section 112, if any. The requirements to determine applicability of a standard under §63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems.* In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of -

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods) **PS-8A supercedes requirements for THC CEMS**

(2)–(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks; **PS-8A supercedes requirements for THC CEMS**

(6) The date and time identifying each period during which the CMS was out of control, as defined in § 63.8(c)(7) ; **PS-8A supercedes requirements for THC CEMS**

(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; **PS-8A supercedes requirements for THC CEMS**

(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; **PS-8A supercedes requirements for THC CEMS**

(9) [Reserved]

(10) The nature and cause of any malfunction (if known); **PS-8A supercedes requirements for THC CEMS**

(11) The corrective action taken or preventive measures adopted; **PS-8A supercedes requirements for THC CEMS**

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control; **PS-8A supercedes requirements for THC CEMS**

(13) The total process operating time during the reporting period; **PS-8A supercedes requirements for THC CEMS**; and

(14) All procedures that are part of a quality control program developed and implemented for CMS under § 63.8(d) ; **PS-8A supercedes requirements for THC CEMS**

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in § 63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12) ; **PS-8A supercedes requirements for THC CEMS**

(d) *General reporting requirements.*

(1) Not-withstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under § 63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the

60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under § 63.9(h).

(3) *Reporting results of opacity or visible emission observations.* The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under § 63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under § 63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

(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. 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 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* -

(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 § 63.8(e), simultaneously with the results of the performance test required under § 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 § 63.7 and described in § 63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under § 63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under § 63.7 is conducted.

(3) *Excess emissions and continuous monitoring system performance report and summary report..*
xceedances are defined in subpart LLL.}

(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].

(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports. Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance

history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in § 63.8(c)(7) and § 63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

(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 known 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 § 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 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.

Flares not applicable.

§ 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.

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.

Appendix D. 40 CFR 63 Subpart EEE

[Last Updated: 6/26/03]

part EEE--National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors

Subpart EEE--National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors

§ 63.1200 Who is subject to these regulations?

The provisions of this subpart apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns, except as provided in Table 1 of this section. Hazardous waste combustors are also subject to applicable requirements under parts 260-270 of this chapter.

(a) What if I am an area source?

(1) Both area sources and major sources are subject to this subpart.

(2) Both area sources and major sources, not previously subject to title V, are immediately subject to the requirement to apply for and obtain a title V permit in all States, and in areas covered by part 71 of this chapter.

(b) These regulations in this subpart do not apply to sources that meet the criteria in Table 1 of this Section, as follows:

Table 1 to § 63.1200.-- Hazardous Waste Combustors Exempt from Subpart EEE

If	And if	Then
(1) You are a previously affected source.	(i) You ceased feeding hazardous waste for a period of time greater than the hazardous waste residence time (i.e., hazardous waste no longer resides in the combustion chamber);. (ii) You have initiated the closure requirements of subpart G, parts 264 or 265 of this chapter;. (iii) You begin complying with the requirements of all other applicable standards of this part (Part 63); and. (iv) You notify the Administrator in writing that you are no longer an affected source under this subpart (Subpart EEE).	You are no longer subject to this subpart (Subpart EEE).
(2) You are a research, development, and demonstration source.	You operate for no longer than one year after first burning hazardous waste (Note that the Administrator can extend this one-year restriction on a case-by-case basis upon your written request documenting when you first burned hazardous waste and the justification for needing additional time to perform research, development, or demonstration operations.).	You are not subject to this subpart (Subpart EEE). This exemption applies even if there is a hazardous waste combustor at the plant site that is regulated under this subpart. You still, however, remain subject to § 270.65 of this chapter.
(3) The only hazardous wastes you burn are exempt from regulation under § 266.100(b) of this chapter.	.....	You are not subject to the requirements of this subpart (Subpart EEE).

(c) Table 1 of this section specifies the provisions of subpart A (General Provisions, §§ 63.1-63.15) that apply and those that do not apply to sources affected by this subpart.

§ 63.1201 Definitions and acronyms used in this subpart.

(a) The terms used in this subpart are defined in the Act, in subpart A of this part, or in this section as follows:

Air pollution control system means the equipment used to reduce the release of particulate matter and other pollutants to the atmosphere.

Automatic waste feed cutoff (AWFCO) system means a system comprised of cutoff valves, actuator, sensor, data manager, and other necessary components and electrical circuitry designed, operated and maintained to stop the flow of hazardous waste to the combustion unit automatically and immediately (except as provided by Sec. 63.1206(c)(3)(viii)) when any operating requirement is exceeded.

By-pass duct means a device which diverts a minimum of 10 percent of a cement kiln's off gas, or a device which the Administrator determines on a case-by-case basis diverts a sample of kiln gas that contains levels of carbon monoxide or hydrocarbons representative of the levels in the kiln.

Combustion chamber means the area in which controlled flame combustion of hazardous waste ...urs.

Continuous monitor means a device which continuously samples the regulated parameter specified in § 63.1209 without interruption, evaluates the detector response at least once every 15 seconds, and computes and records the average value at least every 60 seconds, except during allowable periods of calibration and except as defined otherwise by the CEMS Performance Specifications in appendix B, part 60 of this chapter.

Dioxin/furan and dioxins and furans mean tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

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

Feedrate operating limits means limits on the feedrate of materials (e.g., metals, chlorine) to the combustor that are established based on comprehensive performance testing. The limits are established and monitored by knowing the concentration of the limited material (e.g., chlorine) in each feedstream and the flowrate of each feedstream.

Feedstream means any material fed into a hazardous waste combustor, including, but not limited to, any pumpable or nonpumpable solid, liquid, or gas.

Flowrate means the rate at which a feedstream is fed into a hazardous waste combustor.

Hazardous waste is defined in § 261.3 of this chapter.

Hazardous waste burning cement kiln means a rotary kiln and any associated preheater or precalciner devices that produce clinker by heating limestone and other materials for subsequent production of cement for use in commerce, and that burns hazardous waste at any time.

Hazardous waste combustor means a hazardous waste incinerator, hazardous waste burning cement kiln, or hazardous waste burning lightweight aggregate kiln.

Hazardous waste incinerator means a device defined as an incinerator in § 260.10 of this chapter and that burns hazardous waste at any time. For the purposes of this subpart, the hazardous waste incinerator ...cludes all associated firing systems and air pollution control devices, as well as the combustion chamber ...pment.

Hazardous waste lightweight aggregate kiln means a rotary kiln that produces clinker by heating materials such as slate, shale and clay for subsequent production of lightweight aggregate used in commerce, and that burns hazardous waste at any time.

Hazardous waste residence time means the time elapsed from cutoff of the flow of hazardous waste into the combustor (including, for example, the time required for liquids to flow from the cutoff valve into the combustor) until solid, liquid, and gaseous materials from the hazardous waste, excluding residues that may adhere to combustion chamber surfaces, exit the combustion chamber. For combustors with multiple firing systems whereby the residence time may vary for the firing systems, the hazardous waste residence time for purposes of complying with this subpart means the longest residence time for any firing system in use at the time of waste cutoff.

Initial comprehensive performance test means the comprehensive performance test that is used as the basis for initially demonstrating compliance with the standards.

In-line kiln raw mill means a hazardous waste burning cement kiln design whereby kiln gas is ducted through the raw material mill for portions of time to facilitate drying and heating of the raw material.

Instantaneous monitoring for combustion system leak control means detecting and recording pressure, without use of an averaging period, at a frequency adequate to detect combustion system leak events from hazardous waste combustion.

Monovent means an exhaust configuration of a building or emission control device (e.g. positive pressure fabric filter) that extends the length of the structure and has a width very small in relation to its length (i.e., length to width ratio is typically greater than 5:1). The exhaust may be an open vent with or without a roof, louvered vents, or a combination of such features.

MTEC means maximum theoretical emissions concentration of metals or HCl/Cl, expressed as ...dscm, and is calculated by dividing the feedrate by the gas flowrate.

New source means any affected source the construction or reconstruction of which is commenced after April 19, 1996.

One-minute average means the average of detector responses calculated at least every 60 seconds from responses obtained at least every 15 seconds.

Operating record means a documentation retained at the facility for ready inspection by authorized officials of all information required by the standards to document and maintain compliance with the applicable regulations, including data and information, reports, notifications, and communications with regulatory officials.

Operating requirements means operating terms or conditions, limits, or operating parameter limits developed under this subpart that ensure compliance with the emission standards.

Preheater tower combustion gas monitoring location means a location within the preheater tower of a dry process cement kiln downstream (in terms of gas flow) of all hazardous waste firing locations and where a representative sample of combustion gas to measure combustion efficiency can be monitored.

Raw material feed means the prepared and mixed materials, which include but are not limited to materials such as limestone, clay, shale, sand, iron ore, mill scale, cement kiln dust and flyash, that are fed to a cement or lightweight aggregate kiln. Raw material feed does not include the fuels used in the kiln to produce heat to form the clinker product.

Research, development, and demonstration source means a source engaged in laboratory, pilot plant, or prototype demonstration operations:

(1) Whose primary purpose is to conduct research, development, or short-term demonstration of an innovative and experimental hazardous waste treatment technology or process; and

(2) Where the operations are under the close supervision of technically-trained personnel.

Rolling average means the average of all one-minute averages over the averaging period.

Run means the net period of time during which an air emission sample is collected under a given set of operating conditions. Three or more runs constitutes a test. Unless otherwise specified, a run may be either intermittent or continuous.

Run average means the average of the one-minute average parameter values for a run.

TEQ means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

You means the owner or operator of a hazardous waste combustor.

(b) The acronyms used in this subpart refer to the following:

AWFCO means automatic waste feed cutoff.

CAS means chemical abstract services registry.

CEMS means continuous emissions monitoring system.

CMS means continuous monitoring system.

DRE means destruction and removal efficiency.

MACT means maximum achievable control technology.

MTEC means maximum theoretical emissions concentration.

NIC means notification of intent to comply.

§ 63.1202 [Reserved]

EMISSIONS STANDARDS AND OPERATING LIMITS

§ 63.1203 What are the standards for hazardous waste incinerators?

(a) *Emission limits for existing sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial particulate matter control device is 400 °F or lower based on the average of the test run average temperatures. (For purposes of compliance, operation of a wet particulate control device is presumed to meet the 400 °F or lower requirement);

(2) Mercury in excess of 130 µg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 240 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 97 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) For carbon monoxide and hydrocarbons, either:

(i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (a)(5)(ii) of this section, you must also document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7), hydrocarbons do not exceed 10 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(ii) Hydrocarbons in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 77 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 34 mg/dscm corrected to 7 percent oxygen.

(b) *Emission limits for new sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) Dioxins and furans in excess of 0.20 ng TEQ/dscm, corrected to 7 percent oxygen;

(2) Mercury in excess of 45 µg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 120 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 97 µg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) For carbon monoxide and hydrocarbons, either:

(i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (b)(5)(ii) of this section, you must also document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7), hydrocarbons do not exceed 10 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(ii) Hydrocarbons in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 21 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 34 mg/dscm corrected to 7 percent oxygen.

(c) *Destruction and removal efficiency (DRE) standard.* (1) *99.99% DRE.* Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principle organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:

$$DRE = [1-(W_{out} / W_{in})] \times 100\%$$

Where:
W_{in} = mass feedrate of one principal organic hazardous constituent (POHC) in a waste feedstream; and
W_{out} = mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(2) *99.9999% DRE.* If you burn the dioxin-listed hazardous wastes F020, F021, F022, F023, F026, or F027 (see § 261.31 of this chapter), you must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principle organic hazardous constituent (POHC) that you designate under paragraph (c)(3) of this section. You must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-*p*-dioxins and dibenzofurans. You must use the equation in paragraph (c)(1) of this section to calculate DRE for each POHC. In addition, you must notify the Administrator of your intent to incinerate hazardous wastes F020, F021, F022, F023, F026, or F027.

(3) *Principal organic hazardous constituents (POHCs).* (i) You must treat the Principal Organic Hazardous Constituents (POHCs) in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.

(ii) You must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60, for each waste to be burned. You must base this specification on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information.

(d) *Significant figures.* The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.

§ 63.1204 What are the standards for hazardous waste burning cement kilns?

(a) *Emission limits for existing sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial dry particulate matter control device is 400 °F or lower based on the average of the test run average temperatures;

(2) Mercury in excess of 120 &mgr;g/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 330 &mgr;g/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 56 &mgr;g/dscm, combined emissions, corrected to 7 percent oxygen;

(5) *Carbon monoxide and hydrocarbons.* (i) For kilns equipped with a by-pass duct or midkiln gas sampling system, either:

(A) Carbon monoxide in the by-pass duct or mid-kiln gas sampling system in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (a)(5)(i)(B) of this section, you must also document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7), hydrocarbons in the by-pass duct or mid-kiln gas sampling system do not exceed 10 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(B) Hydrocarbons in the by-pass duct or midkiln gas sampling system in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane;

(ii) For kilns not equipped with a by-pass duct or midkiln gas sampling system, either:

(A) Hydrocarbons in the main stack in excess of 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(B) Carbon monoxide in the main stack in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (a)(5)(ii)(A) of this section, you also must document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7), hydrocarbons in the main stack do not exceed 20 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.

(6) Hydrochloric acid and chlorine gas in excess of 130 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis, corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 0.15 kg/Mg dry feed and opacity greater than 20 percent.

(i) You must use suitable methods to determine the kiln raw material feedrate.

(ii) Except as provided in paragraph (a)(7)(iii) of this section, you must compute the particulate matter emission rate, E, from the following equation:

$$E = (C_s \times Q_{sd}) / P$$

Where:

E = emission rate of particulate matter, kg/Mg of kiln raw material feed;
C_s = concentration of particulate matter, kg/dscm;
Q_{sd} = volumetric flowrate of effluent gas, dscm/hr; and
P = total kiln raw material feed (dry basis), Mg/hr.

(iii) If you operate a preheater or preheater/precalciner kiln with dual stacks, you must test simultaneously and compute the combined particulate matter emission rate, Ec, from the following equation:

$$E_c = (C_{sk} \times Q_{sdk} + C_{sb} \times Q_{sdb}) / P$$

Where:

Ec = the combined emission rate of particulate matter from the kiln and bypass stack, kg/Mg of kiln raw material feed;
C_{sk} = concentration of particulate matter in the kiln effluent, kg/dscm;
Q_{sdk} = volumetric flowrate of kiln effluent gas, dscm/hr;
C_{sb} = concentration of particulate matter in the bypass stack effluent, kg/dscm;
Q_{sdb} = volumetric flowrate of bypass stack effluent gas, dscm/hr; and
P = total kiln raw material feed (dry basis), Mg/hr.

(b) *Emission limits for new sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial dry particulate matter control device is 400 °F or lower based on the average of the test run average temperatures;

(2) Mercury in excess of 120 μg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 180 μg/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 54 μg/dscm, combined emissions, corrected to 7 percent oxygen;

(5) *Carbon monoxide and hydrocarbons.* (i) For kilns equipped with a by-pass duct or midkiln gas sampling system, carbon monoxide and hydrocarbons emissions are limited in both the bypass duct or midkiln gas sampling system and the main stack as follows:

(A) Emissions in the by-pass or midkiln gas sampling system are limited to either:

(1) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (b)(5)(i)(A)(2) of this section, you also must document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7), hydrocarbons do not exceed 10 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(2) Hydrocarbons in the by-pass duct or midkiln gas sampling system in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; and

(B) Hydrocarbons in the main stack are limited, if construction of the kiln commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.

(ii) For kilns not equipped with a by-pass duct or midkiln gas sampling system, hydrocarbons and carbon monoxide are limited in the main stack to either:

(A) Hydrocarbons not exceeding 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(B) *(1)* Carbon monoxide not exceeding 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen; and

(2) Hydrocarbons not exceeding 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7); and

(3) If construction of the kiln commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, hydrocarbons are limited to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.

(6) Hydrochloric acid and chlorine gas in excess of 86 parts per million, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 0.15 kg/Mg dry feed and opacity greater than 20 percent.

(i) You must use suitable methods to determine the kiln raw material feedrate.

(ii) Except as provided in paragraph (a)(7)(iii) of this section, you must compute the particulate matter emission rate, E, from the equation specified in paragraph (a)(7)(ii) of this section.

(iii) If you operate a preheater or preheater/precalciner kiln with dual stacks, you must test simultaneously and compute the combined particulate matter emission rate, Ec, from the equation specified in paragraph (a)(7)(iii) of this section.

(c) *Destruction and removal efficiency (DRE) standard.* (1) *99.99% DRE.* Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principle organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:

$$DRE = [1-(W_{out} / W_{in})] \times 100\%$$

Where:
W_{in} = mass feedrate of one principal organic hazardous constituent (POHC) in a waste feedstream; and
W_{out} = mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(2) *99.9999% DRE.* If you burn the dioxin-listed hazardous wastes F020, F021, F022, F023, F026, or F027 (see § 261.31 of this chapter), you must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principle organic hazardous constituent (POHC) that you designate under paragraph (c)(3) of this section. You must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-*p*-dioxins and dibenzofurans. You must use the equation in paragraph (c)(1) of this section to calculate DRE for each POHC. In addition, you must notify the Administrator of your intent to incinerate hazardous wastes F020, F021, F022, F023, F026, or F027.

(3) *Principal organic hazardous constituents (POHCs).* (i) You must treat the Principal Organic Hazardous Constituents (POHCs) in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.

(ii) You must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60, for each waste to be burned. You must base this specification on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information.

(d) Cement kilns with in-line kiln raw mills. (1) *General.* (i) You must conduct performance testing when the raw mill is on-line and when the mill is off-line to demonstrate compliance with the emission standards, and you must establish separate operating parameter limits under § 63.1209 for each mode of operation, except as provided by paragraph (d)(1)(iv) of this section.

(ii) You must document in the operating record each time you change from one mode of operation to the alternate mode and begin complying with the operating parameter limits for that alternate mode of operation.

(iii) You must calculate rolling averages for operating parameter limits as provided by § 63.1209(q)(2).

(iv) If your in-line kiln raw mill has dual stacks, you may assume that the dioxin/furan emission levels in the by-pass stack and the operating parameter limits determined during performance testing of the by-pass stack when the raw mill is off-line are the same as when the mill is on-line.

(2) *Emissions averaging.* You may comply with the mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas emission standards on a time-weighted average basis under the following procedures:

(i) *Averaging methodology.* You must calculate the time-weighted average emission concentration with the following equation:

$$C_{total} = C_{mill\text{-}off} \times (T_{mill\text{-}off}/(T_{mill\text{-}off} + T_{mill\text{-}on})) + C_{mill\text{-}on} \times (T_{mill\text{-}on}/(T_{mill\text{-}off} + T_{mill\text{-}on}))$$

Where:
C_{total} = time-weighted average concentration of a regulated constituent considering both raw mill on time and off time;
$C_{mill\text{-}off}$ = average performance test concentration of regulated constituent with the raw mill off-line;
$C_{mill\text{-}on}$ = average performance test concentration of regulated constituent with the raw mill on-line;
$T_{mill\text{-}off}$ = time when kiln gases are not routed through the raw mill; and
$T_{mill\text{-}on}$ = time when kiln gases are routed through the raw mill.

(ii) *Compliance.* (A) If you use this emission averaging provision, you must document in the operating record compliance with the emission standards on an annual basis by using the equation provided by paragraph (d)(2) of this section.

(B) Compliance is based on one-year block averages beginning on the day you submit the initial notification of compliance.

(iii) *Notification.* (A) If you elect to document compliance with one or more emission standards using this emission averaging provision, you must notify the Administrator in the initial comprehensive performance test plan submitted under § 63.1207(e).

(B) You must include historical raw mill operation data in the performance test plan to estimate future raw mill down-time and document in the performance test plan that estimated emissions and estimated raw mill down-time will not result in an exceedance of an emission standard on an annual basis.

(C) You must document in the notification of compliance submitted under § 63.1207(j) that an emission standard will not be exceeded based on the documented emissions from the performance test and predicted raw mill down-time.

(e) *Preheater or preheater/precalciner kilns with dual stacks.* (1) *General.* You must conduct performance testing on each stack to demonstrate compliance with the emission standards, and you must establish operating parameter limits under § 63.1209 for each stack, except as provided by paragraph (d)(1)(iv) of this section for dioxin/furan emissions testing and operating parameter limits for the by-pass stack of in-line raw mills.

(2) *Emissions averaging.* You may comply with the mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas emission standards specified in this section on a gas flowrate-weighted average basis under the following procedures:

(i) *Averaging methodology.* You must calculate the gas flowrate-weighted average emission concentration using the following equation:

$$C_{tot} = C_{main} \times (Q_{main}/(Q_{main} + Q_{bypass})) + C_{bypass} \times (Q_{bypass}/(Q_{main} + Q_{bypass}))$$

Where:
C_{tot} = gas flowrate-weighted average concentration of the regulated constituent;
C_{main} = average performance test concentration demonstrated in the main stack;
C_{bypass} = average performance test concentration demonstrated in the bypass stack;
Q_{main} = volumetric flowrate of main stack effluent gas; and
Q_{bypass} = volumetric flowrate of bypass effluent gas.

(ii) *Compliance.* (A) You must demonstrate compliance with the emission standard(s) using the emission concentrations determined from the performance tests and the equation provided by paragraph (e)(1) of this section; and

(B) You must develop operating parameter limits for bypass stack and main stack flowrates that ensure the emission concentrations calculated with the equation in paragraph

(e)(1) of this section do not exceed the emission standards on a 12-hour rolling average basis. You must include these flowrate limits in the Notification of Compliance.

(iii) *Notification.* If you elect to document compliance under this emissions averaging provision, you must:

(A) Notify the Administrator in the initial comprehensive performance test plan submitted under § 63.1207(e). The performance test plan must include, at a minimum, information describing the flowrate limits established under paragraph (e)(2)(ii)(B) of this section; and

(B) Document in the Notification of Compliance submitted under § 63.1207(j) the demonstrated gas flowrate-weighted average emissions that you calculate with the equation provided by paragraph (e)(2) of this section.

(f) *Significant figures.* The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.

(g) [Reserved]

(h) When you comply with the particulate matter requirements of paragraphs (a)(7) or (b)(7) of this section, you are exempt from the New Source Performance Standard for particulate matter and opacity under § 60.60 of this chapter.

§ 63.1205 What are the standards for hazardous waste burning lightweight aggregate kilns?

(a) *Emission limits for existing sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Rapid quench of the combustion gas temperature at the exit of the (last) combustion chamber (or exit of any waste heat recovery system) to 400 °F or lower based on the average of the test run average temperatures. You must also notify in writing the RCRA authority that you are complying with this option;

(2) Mercury in excess of 120 µg/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 250 &mgr;g/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 110 &mgr;g/dscm, combined emissions, corrected to 7 percent oxygen;

(5) *Carbon monoxide and hydrocarbons.* (i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (a)(5)(ii) of this section, you also must document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7), hydrocarbons do not exceed 20 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(ii) Hydrocarbons in excess of 20 parts per million by volume, over an hourly rolling average, dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 600 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 57 mg/dscm corrected to 7 percent oxygen.

(b) *Emission limits for new sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere that contain:

(1) For dioxins and furans:

(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or

(ii) Rapid quench of the combustion gas temperature at the exit of the (last) combustion chamber (or exit of any waste heat recovery system) to 400 °F or lower based on the average of the test run average temperatures. You must also notify in writing the RCRA authority that you are complying with this option;

(2) Mercury in excess of 120 &mgr;g/dscm corrected to 7 percent oxygen;

(3) Lead and cadmium in excess of 43 &mgr;g/dscm, combined emissions, corrected to 7 percent oxygen;

(4) Arsenic, beryllium, and chromium in excess of 110 &mgr;g/dscm, combined emissions, corrected to 7 percent oxygen;

(5) *Carbon monoxide and hydrocarbons.* (i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (b)(5)(ii) of this section, you also must document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7), hydrocarbons do not exceed 20 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(ii) Hydrocarbons in excess of 20 parts per million by volume, over an hourly rolling average, dry basis, corrected to 7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 600 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 57 mg/dscm corrected to 7 percent oxygen.

(c) *Destruction and removal efficiency (DRE) standard.* (1) *99.99% DRE.* Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:

$$DRE = [1 - (W_{out} / W_{in})] \times 100\%$$

Where:

W_{in} = mass feedrate of one principal organic hazardous constituent (POHC) in a waste feedstream; and

W_{out} = mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(2) *99.9999% DRE.* If you burn the dioxin-listed hazardous wastes F020, F021, F022, F023, F026, or F027 (see § 261.31 of this chapter), you must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) that you designate under paragraph (c)(3) of this section. You must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-dioxins and dibenzofurans. You must use the equation in paragraph (c)(1) of this section to calculate DRE for each POHC. In addition, you must notify the Administrator of your intent to burn hazardous wastes F020, F021, F022, F023, F026, or F027.

(3) *Principal organic hazardous constituents (POHCs).* (i) You must treat the Principal Organic Hazardous Constituents (POHCs) in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.

(ii) You must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60, for each waste to be burned. You must base this specification on the degree of difficulty of incineration

of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information.

(d) *Significant figures.* The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.

MONITORING AND COMPLIANCE PROVISIONS

§ 63.1206 When and how must you comply with the standards and operating requirements?

(a) *Compliance dates* -- (1) *Compliance date for existing sources.* You must comply with the standards of this subpart no later than the compliance date, September 30, 2003, unless the Administrator grants you an extension of time under § 63.6(i) or § 63.1213.

(2) *New or reconstructed sources.* (i) If you commenced construction or reconstruction of your hazardous waste combustor after April 19, 1996, you must comply with this subpart by the later of September 30, 1999 or the date the source starts operations, except as provided by paragraph (a)(2)(ii) of this section. The costs of retrofitting and replacement of equipment that is installed specifically to comply with this subpart, between April 19, 1996 and a source's compliance date, are not considered to be reconstruction costs.

(ii) For a standard in this subpart that is more stringent than the standard proposed on April 19, 1996, you may achieve compliance no later than September 30, 2003 if you comply with the standard proposed on April 19, 1996 after September 30, 1999. This exception does not apply, however, to new or reconstructed area source hazardous waste combustors that become major sources after September 30, 1999. As provided by § 63.6(b)(7), such sources must comply with this subpart at startup.

(3) *Early compliance.* If you choose to comply with the emission standards of this subpart prior to September 30, 2003, your compliance date is the date you postmark the Notification of Compliance under § 63.1207(j)(1).

(b) *Compliance with standards* -- (1) *Applicability.* The emission standards and operating requirements set forth in this subpart apply at all times except:

(i) During periods of startup, shutdown, and malfunction; and

(ii) When hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cut off for a period of time not less than the hazardous waste residence time) and you have documented in the operating record that you are complying with all otherwise applicable requirements and standards promulgated under authority of sections 112 (e.g., subpart LLL of this part for cement kilns) or 129 of the Clean Air Act in lieu of the emission standards of §§ 63.1203 through 63.1205; the monitoring and compliance standards of this section and §§ 63.1207 through 63.1209, except the modes of operation requirements of § 63.1209(q); and the notification, reporting, and recordkeeping requirements of §§ 63.1210 through 63.1212.

(2) *Methods for determining compliance.* The Administrator will determine compliance with the emission standards of this subpart as provided by § 63.6(f)(2). Conducting performance testing under operating conditions representative of the extreme range of normal conditions is consistent with the requirements of §§ 63.6(f)(2)(iii)(B) and 63.7(e)(1) to conduct performance testing under representative operating conditions.

(3) *Finding of compliance.* The Administrator will make a finding concerning compliance with the emission standards and other requirements of this subpart as provided by § 63.6(f)(3).

(4) *Extension of compliance with emission standards.* The Administrator may grant an extension of compliance with the emission standards of this subpart as provided by §§ 63.6(i) and 63.1213.

(5) *Changes in design, operation, or maintenance* -- (i) *Changes that may adversely affect compliance.* If you plan to change (as defined in paragraph (b)(5)(iii) of this section) the design, operation, or maintenance practices of the source in a manner that may adversely affect compliance with any emission standard that is not monitored with a CEMS:

(A) *Notification.* You must notify the Administrator at least 60 days prior to the change, unless you document circumstances that dictate that such prior notice is not reasonably feasible. The notification must include:

(*1*) A description of the changes and which emission standards may be affected; and

(2) A comprehensive performance test schedule and test plan under the requirements of § 63.1207(f) that will document compliance with the affected emission standard(s);

(B) *Performance test.* You must conduct a comprehensive performance test under the requirements of §§ 63.1207(f)(1) and (g)(1) to document compliance with the affected emission standard(s) and establish operating parameter limits as required under § 63.1209, and submit to the Administrator a Notification of Compliance under §§ 63.1207(j) and 63.1210(d); and

(C) *Restriction on waste burning.* (*1*) Except as provided by paragraph (b)(5)(i)(C)(2) of this section, after the change and prior to submitting the notification of compliance, you must not burn hazardous waste for more than a total of 720 hours (renewable at the discretion of the Administrator) and only for the purposes of pretesting or comprehensive performance testing. Pretesting is defined at § 63.1207(h)(2)(i) and (ii).

(*2*) You may petition the Administrator to obtain written approval to burn hazardous waste in the interim prior to submitting a Notification of Compliance for purposes other than testing or pretesting. You must specify operating requirements, including limits on operating parameters, that you determine will ensure compliance with the emission standards of this subpart based on available information. The Administrator will review, modify as necessary, and approve if warranted the interim operating requirements.

(ii) *Changes that will not affect compliance.* If you determine that a change will not adversely affect compliance with the emission standards or operating requirements, you must document the change in the operating record upon making such change. You must revise as necessary the performance test plan, Documentation of Compliance, Notification of Compliance, and start-up, shutdown, and malfunction plan to reflect these changes.

(iii) *Definition of "change."* For purposes of paragraph (b)(5) of this section, "change" means any change in design, operation, or maintenance practices that were documented in the comprehensive performance test plan, Notification of Compliance, or startup, shutdown, and malfunction plan.

(6) *Compliance with the carbon monoxide and hydrocarbon emission standards.* This paragraph applies to sources that elect to comply with the carbon monoxide and hydrocarbon emissions standards under §§ 63.1203 through 63.1205 by documenting continuous compliance with the carbon monoxide standard using a continuous emissions monitoring system and documenting compliance with the hydrocarbon standard during the destruction and removal efficiency (DRE) performance test or its equivalent.

(i) If a DRE test performed pursuant to § 63.1207(c)(2) is acceptable as documentation of compliance with the DRE standard, you may use the highest hourly rolling average hydrocarbon level achieved during the DRE test runs to document compliance with the hydrocarbon standard. An acceptable DRE test is any test for which the data and results are determined to meet quality assurance objectives (on a site-specific basis) such that the results adequately demonstrate compliance with the DRE standard.

(ii) If during this acceptable DRE test you did not obtain hydrocarbon emissions data sufficient to document compliance with the hydrocarbon standard, you must either:

(A) Perform, as part of the performance test, an "equivalent DRE test" to document compliance with the hydrocarbon standard. An equivalent DRE test is comprised of a minimum of three runs each with a minimum duration of one hour during which you operate the combustor as close as reasonably possible to the operating parameter limits that you established based on the initial DRE test. You must use the highest hourly rolling average hydrocarbon emission level achieved during the equivalent DRE test to document compliance with the hydrocarbon standard; or

(B) Perform a DRE test as part of the performance test.

(7) *Compliance with the DRE standard.* (i) Except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section:

(A) You must document compliance with the Destruction and Removal Efficiency (DRE) standard under §§ 63.1203 through 63.1205 only once provided that you do not modify the source after the DRE test in a manner that could affect the ability of the source to achieve the DRE standard.

(B) You may use any DRE test data that documents that your source achieves the required level of DRE provided:

(*1*) You have not modified the design or operation of your source in a manner that could effect the ability of your source to achieve the DRE standard since the DRE test was performed; and,

(2) The DRE test data meet quality assurance objectives determined on a site-specific basis.

(ii) Sources that feed hazardous waste at a location in the combustion system other than the normal flame zone must demonstrate compliance with the DRE standard during each comprehensive performance test;

(iii) For sources that do not use DRE previous testing to document conformance with the DRE standard pursuant to § 63.1207(c)(2), you must perform DRE testing during the initial comprehensive performance test.

(8) *Applicability of particulate matter and opacity standards during particulate matter CEMS correlation tests.* (i) Any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.*, any title 40 particulate or opacity standards) applicable to a hazardous waste combustor do not apply while you conduct particulate matter continuous emissions monitoring system (CEMS) correlation tests (*i.e.*, correlation with manual stack methods) under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.

(ii) Any permit or other emissions or operating parameter limits or conditions, including any limitation on workplace practices, that are applicable to hazardous waste combustors to ensure compliance with any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.*, any title 40 particulate or opacity standards) do not apply while you conduct particulate matter CEMS correlation tests under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.

(iii) For the provisions of this section to apply, you must:

(A) Develop a particulate matter CEMS correlation test plan that includes the following information. This test plan may be included as part of the comprehensive performance test plan required under §§ 63.1207(e) and (f):

(*1*) Number of test conditions and number of runs for each test condition;

(2) Target particulate matter emission level for each test condition;

(*3*) How you plan to modify operations to attain the desired particulate matter emission levels; and

(*4*) Anticipated normal particulate matter emission levels; and

(B) Submit the test plan to the Administrator for approval at least 90 calendar days before the correlation test is scheduled to be conducted.

(iv) The Administrator will review and approve/disapprove the correlation test plan under the procedures for review and approval of the site-specific test plan provided by § 63.7(c)(3)(i) and (iii). If the Administrator fails to approve or disapprove the correlation test plan within the time period specified by § 63.7(c)(3)(i), the plan is considered approved, unless the Administrator has requested additional information.

(v) The particulate matter and opacity standards and associated operating limits and conditions will not be waived for more than 96 hours, in the aggregate, for a correlation test, including all runs of all test conditions, unless more time is approved by the Administrator.

(vi) The stack sampling team must be on-site and prepared to perform correlation testing no later than 24 hours after you modify operations to attain the desired particulate matter emissions concentrations, unless you document in the correlation test plan that a longer period of conditioning is appropriate.

(vii) You must return to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed.

(9) *Alternative standards for existing or new hazardous waste burning lightweight aggregate kilns using MACT.* (i) You may petition the Administrator to recommend alternative semivolatile metal, low volatile metal, mercury, or hydrochloric acid/chlorine gas emission standards if:

(A) You cannot achieve one or more of these standards while using maximum achievable control technology (MACT) because of the raw material contribution to emissions of the regulated metals or hydrochloric acid/chlorine gas; or

(B) You determine that mercury is not present at detectable levels in your raw material.

(ii) The alternative standard that you recommend under paragraph (b)(9)(i)(A) of this section may be an operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine, and/or an emission limitation.

(iii) The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(9)(viii) and (ix) of this section.

(iv) *Documentation required.* (A) The alternative standard petition you submit under paragraph (b)(9)(i)(A) of this section must include data or information documenting that raw material contributions to emissions of the regulated metals or hydrochloric acid/chlorine gas prevent you from complying with the emission standard even though the source is using MACT, as defined in paragraphs (b)(9)(viii) and (ix) of this section, for the standard for which you are seeking relief.

(B) Alternative standard petitions that you submit under paragraph (b)(9)(i)(B) of this section must include data or information documenting that mercury is not present at detectable levels in raw materials.

(v) You must include data or information with semivolatile metal and low volatility metal alternative standard petitions that you submit under paragraph (b)(9)(i)(A) of this section documenting that increased chlorine feedrates associated with the burning of hazardous waste, when compared to non-hazardous waste operations, do not significantly increase metal emissions attributable to raw materials.

(vi) You must include data or information with semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas alternative standard petitions that you submit under paragraph (b)(9)(i)(A) of this section documenting that semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas emissions attributable to the hazardous waste only will not exceed the emission standards in § 63.1205(a) and (b).

(vii) You must not operate pursuant to your recommended alternative standards in lieu of emission standards specified in § 63.1205(a) and (b):

(A) Unless the Administrator approves the provisions of the alternative standard petition request or establishes other alternative standards; and

(B) Until you submit a revised Notification of Compliance that incorporates the revised standards.

(viii) For purposes of this alternative standard provision, MACT for existing hazardous waste burning lightweight aggregate kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 24μg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 280,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 120,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less; and

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 2,000,000 μg/dscm or less, and use of an air pollution control device with a hydrochloric acid/chlorine gas removal efficiency of 85 percent or greater.

(ix) For purposes of this alternative standard provision, MACT for new hazardous waste burning lightweight aggregate kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 4 μg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 280,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 46,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 14,000,000 μg/dscm or less, and use of a wet scrubber with a hydrochloric acid/chlorine gas removal efficiency of 99.6 percent or greater.

(10) *Alternative standards for existing or new hazardous waste burning cement kilns using MACT.* (i) You may petition the Administrator to recommend alternative semivolatile, low volatile metal, mercury, and/or hydrochloric acid/chlorine gas emission standards if:

(A) You cannot achieve one or more of these standards while using maximum achievable control technology (MACT) because of raw material contributions to emissions of the regulated metals or hydrochloric acid/chlorine gas; or (B) You determine that mercury is not present at detectable levels in your raw material.

(ii) The alternative standard that you recommend under paragraph (b)(10)(i)(A) of this section may be an operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine, and/or an emission limitation.

(iii) The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(10)(viii) and (ix) of this section.

(iv) *Documentation required.* (A) The alternative standard petition you submit under paragraph (b)(10)(i)(A) of this section must include data or information documenting that raw material contributions to emissions prevent you from complying with the emission standard even though the source is using MACT, as defined in paragraphs (b)(10)(viii) and (ix) of this section, for the standard for which you are seeking relief.

(B) Alternative standard petitions that you submit under paragraph (b)(10)(i)(B) of this section must include data or information documenting that mercury is not present at detectable levels in raw materials.

(v) You must include data or information with semivolatile metal and low volatile metal alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section

documenting that increased chlorine feedrates associated with the burning of hazardous waste, when compared to non-hazardous waste operations, do not significantly increase metal emissions attributable to raw materials.

(vi) You must include data or information with semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section documenting that emissions of the regulated metals and hydrochloric acid/chlorine gas attributable to the hazardous waste only will not exceed the emission standards in § 63.1204(a) and (b).

(vii) You must not operate pursuant to your recommended alternative standards in lieu of emission standards specified in § 63.1204(a) and (b):

(A) Unless the Administrator approves the provisions of the alternative standard petition request or establishes other alternative standards; and

(B) Until you submit a revised Notification of Compliance that incorporates the revised standards.

(viii) For purposes of this alternative standard provision, MACT for existing hazardous waste burning cement kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 88µg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 54,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less; and

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 720,000 µg/dscm or less.

(ix) For purposes of this alternative standard provision, MACT for new hazardous waste burning cement kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 7 µg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 15,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 420,000 µg/dscm or less.

(11) *Calculation of hazardous waste residence time.* You must calculate the hazardous waste residence time and include the calculation in the performance test plan under § 63.1207(f) and the operating record. You must also provide the hazardous waste residence time in the Documentation of Compliance under § 63.1211(c) and the Notification of Compliance under §§ 63.1207(j) and 63.1210(b).

(12) *Documenting compliance with the standards based on performance testing.* (i) You must conduct a minimum of three runs of a performance test required under § 63.1207 to document compliance with the emission standards of this subpart.

(ii) You must document compliance with the emission standards based on the arithmetic average of the emission results of each run, except that you must document compliance with the destruction and removal efficiency standard for each run of the comprehensive performance test individually.

(13) *Cement kilns and lightweight aggregate kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired.*

(i) Cement kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the carbon monoxide and hydrocarbon standards of § 63.1204 as follows:

(A) For existing sources, you must not discharge or cause combustion gases to be emitted into the atmosphere that contain either:

(*1*) Hydrocarbons in the main stack in excess of 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(2) Hydrocarbons both in the by-pass duct and at a preheater tower combustion gas monitoring location in excess of 10 parts per million by volume, at each location, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(*3*) If the only firing location of hazardous waste upstream (in terms of gas flow) of the point where combustion gases are diverted into the bypass duct is at the kiln end where products are normally discharged, then both hydrocarbons at the preheater tower combustion gas monitoring location in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, and either hydrocarbons in the by-pass duct in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, or carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, and corrected to 7 percent oxygen. If you comply with the carbon monoxide standard of 100 parts per million by volume in the by-pass duct, then you must also not discharge or cause combustion gases to be emitted into the atmosphere that contain hydrocarbons in the by-pass duct in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7).

(B) For new sources, you must not discharge or cause combustion gases to be emitted into the atmosphere that contain either:

(*1*) Hydrocarbons in the main stack in excess of 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(2) (*i*) Hydrocarbons both in the by-pass duct and at a preheater tower combustion gas monitoring location in excess of 10 parts per million by volume, at each location, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, and

(*ii*) Hydrocarbons in the main stack, if construction of the kiln commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or

(*3*) (*i*) If the only firing location of hazardous waste upstream (in terms of gas flow) of the point where combustion gases are diverted into the bypass duct is at the kiln end where products are normally discharged, then both hydrocarbons at the preheater tower combustion gas monitoring location in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen; and reported as propane, and either hydrocarbons in the by-pass duct in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, or carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, and corrected to 7 percent oxygen. If you comply with the carbon monoxide standard of 100 parts per million by volume in the by-pass duct, then you must also not discharge or cause combustion gases to be emitted into the atmosphere that contain hydrocarbons in the by-pass duct in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by § 63.1206(b)(7).

(*ii*) If construction of the kiln commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, hydrocarbons are limited to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.

(ii) *Alternative metal emission control requirements for existing incinerators.* (A) You must not discharge or cause combustion gases to be emitted into the atmosphere that contain lead, cadmium, and selenium in excess of 240 µg/dscm, combined emissions, corrected to 7 percent oxygen; and,

(B) You must not discharge or cause combustion gases to be emitted into the atmosphere that contain arsenic, beryllium, chromium, antimony, cobalt, manganese, and nickel in excess of 97 µg/dscm, combined emissions, corrected to 7 percent oxygen; and,

(C) You must comply with the provisions specified in paragraph (b)(14)(iv) of this section.

(iii) *Alternative metal emission control requirements for new incinerators.* (A) You must not discharge or cause combustion gases to be emitted into the atmosphere that contain lead, cadmium, and selenium in excess of 24 µg/dscm, combined emissions, corrected to 7 percent oxygen; and,

(B) You must not discharge or cause combustion gases to be emitted into the atmosphere that contain arsenic, beryllium, chromium, antimony, cobalt, manganese, and nickel in excess of 97 µg/dscm, combined emissions, corrected to 7 percent oxygen; and,

(C) You must comply with the provisions specified in paragraph (b)(14)(iv) of this section.

(iv) *Other requirements.* Existing and new incinerators must document in the operating record that they meet the requirements of paragraph (b)(14)(iv)(A) through (C) of this section.

(A) The twelve-hour rolling average of the maximum theoretical emissions concentration for lead, cadmium, and selenium, combined, for the combined hazardous waste feedstreams to the incinerator, must not exceed:

(*1*) For existing incinerators, 1,325 µg/dscm.

(2) For new incinerators, 875 µg/dscm.

(B) The twelve-hour rolling average of the maximum theoretical emissions concentration for arsenic, beryllium, chromium, antimony, cobalt, manganese, and nickel, combined, for the combined hazardous waste feedstreams to the incinerator, must not exceed:

(*1*) For existing incinerators, 6,000 μg/dscm.

(2) For new incinerators, 3250 μg/dscm.

(C) You must document that your air pollution control system achieves at least a 90 percent system removal efficiency for semivolatile metals. In making this demonstration, you may spike semivolatile metals above the applicable levels of paragraph (b)(14)(iv)(A) or (B) of this section provided that the applicable alternative emission limitation of paragraph (b)(14)(ii)(A) or (iii)(A) of this section is attained during the test. This test may be performed independently of the comprehensive performance test and must be used to establish applicable operating parameter limits as described in § 63.1209(n), not including § 63.1209(n)(2), to ensure that a 90 percent semivolatile metal system removal efficiency is achieved during normal operations.

(v) *Operating limits.* (A) Semivolatile and low volatile metal operating parameter limits must be established to ensure compliance with the alternative emission limitations described in paragraphs (b)(14)(ii) and (iii) of this section pursuant to § 63.1209(n), except that semivolatile metal feedrate limits would apply to lead, cadmium, and selenium, combined, and low volatile metal feedrate limits would apply to arsenic, beryllium, chromium, antimony, cobalt, manganese, and nickel, combined.

(B) Twelve-hour rolling average hazardous waste metal feedrate limits required pursuant to paragraphs (b)(14)(iv)(A) and (B) of this section are based on the combined hazardous waste feedstreams to the incinerator and may be expressed either as an maximum theoretical emission concentration limit or as a restriction on maximum hazardous waste metals mass feedrate and minimum gas flow rate.

(C) For purposes of complying with the twelve-hour rolling average hazardous waste metal feedrate limits of paragraphs (b)(14)(iv)(A) and (B) of this section, non-detectable metal constituents in each hazardous waste feed must be assumed to be present at one-half the detection limit.

(15) *Alternative to the interim standards for mercury for cement and lightweight aggregate kilns.* (i) *General.* In lieu of complying with the applicable mercury standards of §§ 63.1204(a)(2) and (b)(2) for existing and new cement kilns and §§ 63.1205(a)(2) and (b)(2) for existing and new lightweight aggregate kilns, you may instead elect to comply with the alternative mercury standard described in paragraphs (b)(*15*)(ii) through (b)(*15*)(v) of this section.

(ii) *Operating requirement.* You must not exceed a hazardous waste feedrate corresponding to a maximum theoretical emission concentration (MTEC) of 120 &mgr;g/dscm on a twelve-hour rolling average.

(iii) To document compliance with the operating requirement of paragraph (b)(15)(ii) of this section, you must:

(A) Monitor and record the feedrate of mercury for each hazardous waste feedstream according to § 63.1209(c);

(B) Monitor with a CMS and record in the operating record the gas flowrate (either directly or by monitoring a surrogate parameter that you have correlated to gas flowrate);

(C) Continuously calculate and record in the operating record a MTEC assuming mercury from all hazardous waste feedstreams is emitted;

(D) Interlock the MTEC calculated in paragraph (b)(15)(iii)(C) of this section to the AWFCO system to stop hazardous waste burning when the MTEC exceeds the operating requirement of paragraph (b)(15)(ii) of this section.

(iv) In lieu of the requirement in paragraph (b)(15)(iii) of this section, you may:

(A) Identify in the Notification of Compliance a minimum gas flowrate limit and a maximum feedrate limit of mercury from all hazardous waste feedstreams that ensures the

MTEC calculated in paragraph (b)(15)(iii)(C) of this section is below the operating requirement of paragraph (b)(15)(ii) of this section; and

(B) Interlock the minimum gas flowrate limit and maximum feedrate limits in paragraph (b)(15)(iv)(A) of this section to the AWFCO system to stop hazardous waste burning when the gas flowrate or mercury feedrate exceeds the limits in paragraph (b)(15)(iv)(A) of this section.

(v) *Notification requirement.* You must notify in writing the RCRA authority that you intend to comply with the alternative standard.

(c) *Operating requirements* -- (1) *General.* (i) You must operate only under the operating requirements specified in the Documentation of Compliance under § 63.1211(c) or the Notification of Compliance under §§ 63.1207(j) and 63.1210(b), except:

(A) During performance tests under approved test plans according to § 63.1207(e), (f), and (g), and

(B) Under the conditions of paragraph (b)(1)(i) or (ii) of this section;

(ii) The Documentation of Compliance and the Notification of Compliance must contain operating requirements including, but not limited to, the operating requirements in this section and § 63.1209

(iii) Failure to comply with the operating requirements is failure to ensure compliance with the emission standards of this subpart;

(iv) Operating requirements in the Notification of Compliance are applicable requirements for purposes of parts 70 and 71 of this chapter;

(v) The operating requirements specified in the Notification of Compliance will be incorporated in the title V permit.

(2) *Startup, shutdown, and malfunction plan.* (i) You are subject to the startup, shutdown, and malfunction plan requirements of § 63.6(e)(3).

(ii) If you elect to comply with §§ 270.235(a)(1)(iii), 270.235(a)(2)(iii), or 270.235(b)(1)(ii) of this chapter to address RCRA concerns that you minimize emissions of toxic compounds from startup, shutdown, and malfunction events (including releases from emergency safety vents):

(A) The startup, shutdown, and malfunction plan must include a description of potential causes of malfunctions, including releases from emergency safety vents, that may result in significant releases of hazardous air pollutants, and actions the source is taking to minimize the frequency and severity of those malfunctions.

(B) You must submit the startup, shutdown, and malfunction plan to the Administrator for review and approval.

(1) Approval procedure. The Administrator will notify you of approval or intention to deny approval of the startup, shutdown, and malfunction plan within 90 calendar days after receipt of the original request and within 60 calendar days after receipt of any supplemental information that you submit. Before disapproving the plan, the Administrator will notify you of the Administrator's intention to disapprove the plan together with:

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

(ii) Notice of opportunity for you to present additional information to the Administrator before final action on disapproval of the plan. At the time the Administrator notifies you of intention to disapprove the plan, the Administrator will specify how much time you will have after being notified on the intended disapproval to submit additional information.

(2) Responsibility of owners and operators. You are responsible for ensuring that you submit any supplementary and additional information supporting your plan in a timely manner to enable the Administrator to consider whether to approve the

plan. Neither your submittal of the plan, nor the Administrator's failure to approve or disapprove the plan, relieves you of the responsibility to comply with the provisions of this subpart.

(C) *Changes to the plan that may significantly increase emissions.* (*1*) You must request approval in writing from the Administrator within 5 days after making a change to the startup, shutdown, and malfunction plan that may significantly increase emissions of hazardous air pollutants.

(*2*) To request approval of such changes to the startup, shutdown, and malfunction plan, you must follow the procedures provided by paragraph (c)(2)(ii)(B) of this section for initial approval of the plan.

(iii) You must identify in the plan a projected oxygen correction factor based on normal operations to use during periods of startup and shutdown.

(iv) You must record the plan in the operating record.

(v) *Operating under the startup, shutdown, and malfunction plan.* (A) *Compliance with AWFCO requirements during malfunctions.* (*1*) During malfunctions, the automatic waste feed cutoff requirements of § 63.1206(c)(3) continue to apply, except for paragraphs (c)(3)(v) and (c)(3)(vi) of this section. If you exceed a part 63, Subpart EEE, of this chapter emission standard monitored by a CEMS or COMs or operating limit specified under § 63.1209, the automatic waste feed cutoff system must immediately and automatically cutoff the hazardous waste feed, except as provided by paragraph (c)(3)(viii) of this section. If the malfunction itself prevents immediate and automatic cutoff of the hazardous waste feed, however, you must cease feeding hazardous waste as quickly as possible.

(*2*) Although the automatic waste feed cutoff requirements continue to apply during a malfunction, an exceedance of an emission standard monitored by a CEMS or COMS or operating limit specified under § 63.1209 is not a violation of this subpart if you take the corrective measures prescribed in the startup, shutdown, and malfunction plan.

(*3*) *Excessive exceedances during malfunctions.* For each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber (*i.e.*, when the hazardous waste residence time has not transpired since the hazardous waste feed was cutoff) during a 60-day block period, you must:

(*i*) Within 45 days of the 10th exceedance, complete an investigation of the cause of each exceedance and evaluation of approaches to minimize the frequency, duration, and severity of each exceedance, and revise the startup, shutdown, and malfunction plan as warranted by the evaluation to minimize the frequency, duration, and severity of each exceedance; and

(*ii*) Record the results of the investigation and evaluation in the operating record, and include a summary of the investigation and evaluation, and any changes to the startup, shutdown, and malfunction plan, in the excess emissions report required under § 63.10(e)(3).

(B) *Compliance with AWFCO requirements when burning hazardous waste during startup and shutdown.* (*1*) If you feed hazardous waste during startup or shutdown, you must include waste feed restrictions (*e.g.*, type and quantity), and other appropriate operating conditions and limits in the startup, shutdown, and malfunction plan.

(*2*) You must interlock the operating limits you establish under paragraph (c)(2)(v)(B)(*1*) of this section with the automatic waste feed cutoff system required under § 63.1206(c)(3), except for paragraphs (c)(3)(v) and (c)(3)(vi) of this section.

(*3*) When feeding hazardous waste during startup or shutdown, the automatic waste feed cutoff system must immediately and automatically cutoff the hazardous waste feed if

you exceed the operating limits you establish under paragraph (c)(2)(v)(B)(*1*) of this section, except as provided by paragraph (c)(3)(viii) of this section.

(*4*) Although the automatic waste feed cutoff requirements of this paragraph apply during startup and shutdown, an exceedance of an emission standard or operating limit is not a violation of this subpart if you comply with the operating procedures prescribed in the startup, shutdown, and malfunction plan.

(3) *Automatic waste feed cutoff (AWFCO)* -- (i) *General.* Upon the compliance date, you must operate the hazardous waste combustor with a functioning system that immediately and automatically cuts off the hazardous waste feed, except as provided by paragraph (c)(3)(viii) of this section:

(A) When any of the following are exceeded: Operating parameter limits specified under § 63.1209; an emission standard monitored by a CEMS; and the allowable combustion chamber pressure;

(B) When the span value of any CMS detector, except a CEMS, is met or exceeded;

(C) Upon malfunction of a CMS monitoring an operating parameter limit specified under § 63.1209 or an emission level; or

(D) When any component of the automatic waste feed cutoff system fails.

(ii) *Ducting of combustion gases.* During an AWFCO, you must continue to duct combustion gasses to the air pollution control system while hazardous waste remains in the combustion chamber (*i.e.*, if the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated).

(iii) *Restarting waste feed.* You must continue to monitor during the cutoff the operating parameters for which limits are established under § 63.1209 and the emissions required under that section to be monitored by a CEMS, and you must not restart the hazardous waste feed until the operating parameters and emission levels are within the specified limits.

(iv) *Failure of the AWFCO system.* If the AWFCO system fails to automatically and immediately cutoff the flow of hazardous waste upon exceedance of parameter required to be interlocked with the AWFCO system under paragraph (c)(3)(i) of this section, you have failed to comply with the AWFCO requirements of paragraph (c)(3) of this section.

(v) *Corrective measures.* If, after any AWFCO, there is an exceedance of an emission standard or operating requirement, irrespective of whether the exceedance occurred while hazardous waste remained in the combustion chamber (*i.e.*, whether the hazardous waste residence time has transpired since the hazardous waste feed cutoff system was activated), you must investigate the cause of the AWFCO, take appropriate corrective measures to minimize future AWFCOs, and record the findings and corrective measures in the operating record.

(vi) *Excessive exceedance reporting.* (A) For each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber (*i.e.*, when the hazardous waste residence time has not transpired since the hazardous waste feed was cutoff) during a 60-day block period, you must submit to the Administrator a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken.

(B) On a case-by-case basis, the Administrator may require excessive exceedance reporting when fewer than 10 exceedances occur during a 60-day block period.

(vii) *Testing.* The AWFCO system and associated alarms must be tested at least weekly to verify operability, unless you document in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, you must conduct operability testing at least monthly. You must document and record in the operating record AWFCO operability test procedures and results.

(viii) *Ramping down waste feed.* (A) You may ramp down the waste feedrate of pumpable hazardous waste over a period not to exceed one minute, except as provided by paragraph (c)(3)(viii)(B) of this section. If you elect to ramp down the waste feed, you must document ramp down procedures in the operating and maintenance plan. The procedures must specify that the ramp

down begins immediately upon initiation of automatic waste feed cutoff and the procedures must prescribe a bona fide ramping down. If an emission standard or operating limit is exceeded during the ramp down, you have failed to comply with the emission standards or operating requirements of this subpart.

(B) If the automatic waste feed cutoff is triggered by an exceedance of any of the following operating limits, you may not ramp down the waste feed cutoff: Minimum combustion chamber temperature, maximum hazardous waste feedrate, or any hazardous waste firing system operating limits that may be established for your combustor.

(4) *ESV openings* -- (i) *Failure to meet standards.* If an emergency safety vent (ESV) opens when hazardous waste remains in the combustion chamber (*i.e.*, when the hazardous waste residence time has not expired) during an event other than a malfunction as defined in the startup, shutdown, and malfunction plan such that combustion gases are not treated as during the most recent comprehensive performance test (*e.g.*, if the combustion gas by-passes any emission control device that was operating during the performance test), you must document in the operating record whether you remain in compliance with the emission standards of this subpart considering emissions during the ESV opening event.

(ii) *ESV operating plan.* (A) You must develop an ESV operating plan, comply with the operating plan, and keep the plan in the operating record.

(B) The ESV operating plan must provide detailed procedures for rapidly stopping the waste feed, shutting down the combustor, and maintaining temperature and negative pressure in the combustion chamber during the hazardous waste residence time, if feasible. The plan must include calculations and information and data documenting the effectiveness of the plan's procedures for ensuring that combustion chamber temperature and negative pressure are maintained as is reasonably feasible.

(iii) *Corrective measures.* After any ESV opening that results in a failure to meet the emission standards as defined in paragraph (c)(4)(i) of this section, you must investigate the cause of the ESV opening, take appropriate corrective measures to minimize such future ESV openings, and record the findings and corrective measures in the operating record.

(iv) *Reporting requirements.* You must submit to the Administrator a written report within 5 days of an ESV opening that results in failure to meet the emission standards of this subpart (as determined in paragraph (c)(4)(i) of this section) documenting the result of the investigation and corrective measures taken.

(5) *Combustion system leaks.* (i) Combustion system leaks of hazardous air pollutants must be controlled by:

(A) Keeping the combustion zone sealed to prevent combustion system leaks; or

(B) Maintaining the maximum combustion zone pressure lower than ambient pressure using an instantaneous monitor; or

(C) Upon prior written approval of the Administrator, an alternative means of control to provide control of combustion system leaks equivalent to maintenance of combustion zone pressure lower than ambient pressure; or

(D) Upon prior written approval of the Administrator, other technique(s) which can be demonstrated to prevent fugitive emissions without use of instantaneous pressure limits; and

(ii) You must specify in the performance test workplan and Notification of Compliance the method that will be used to control combustion system leaks. If you control combustion system leaks by maintaining the combustion zone pressure lower than ambient pressure using an instantaneous monitor, you must also specify in the performance test workplan and Notification of Compliance the monitoring and recording frequency of the pressure monitor, and specify how the monitoring approach will be integrated into the automatic waste feed cutoff system.

(6) *Operator training and certification.* (i) You must establish training programs for all categories of personnel whose activities may reasonably be expected to directly affect emissions of hazardous air pollutants

from the source. Such persons include, but are not limited to, chief facility operators, control room operators, continuous monitoring system operators, persons that sample and analyze feedstreams, persons that manage and charge feedstreams to the combustor, persons that operate emission control devices, and ash and waste handlers. Each training program shall be of a technical level commensurate with the person's job duties specified in the training manual. Each commensurate training program shall require an examination to be administered by the instructor at the end of the training course. Passing of this test shall be deemed the "certification" for personnel, except that, for control room operators, the training and certification program shall be as specified in paragraphs (c)(6)(iii) through (c)(6)(vi) of this section.

(ii) You must ensure that the source is operated and maintained at all times by persons who are trained and certified to perform these and any other duties that may affect emissions of hazardous air pollutants. A certified control room operator must be on duty at the site at all times the source is in operation.

(iii) Hazardous waste incinerator control room operators must:

(A) Be trained and certified under a site-specific, source-developed and implemented program that meets the requirements of paragraph (c)(6)(v) of this section; or

(B) Be trained under the requirements of, and certified under, the American Society of Mechanical Engineers Standard Number QHO-1-1994 and QHO-1a-1996 Addenda (incorporated by reference -- see § 63.14(e)). If you choose to use the ASME program:

(*1*) Control room operators must, prior to the compliance date, achieve provisional certification, and must submit an application to ASME and be scheduled for the full certification exam. Within one year of the compliance date, control room operators must achieve full certification;

(*2*) New operators and operators of new sources must, before assuming their duties, achieve provisional certification, and must submit an application to ASME, and be scheduled for the full certification exam. Within one year of assuming their duties, these operators must achieve full certification; or

(C) Be trained and certified under a State program.

(iv) Cement kiln and lightweight aggregate kiln control room operators must be trained and certified under:

(A) A site-specific, source-developed and implemented program that meets the requirements of paragraph (c)(6)(v) of this section; or

(B) A State program.

(v) Site-specific, source developed and implemented training programs for control room operators must include the following elements:

(A) Training on the following subjects:

(*1*) Environmental concerns, including types of emissions;

(*2*) Basic combustion principles, including products of combustion;

(*3*) Operation of the specific type of combustor used by the operator, including proper startup, waste firing, and shutdown procedures;

(*4*) Combustion controls and continuous monitoring systems;

(*5*) Operation of air pollution control equipment and factors affecting performance;

(*6*) Inspection and maintenance of the combustor, continuous monitoring systems, and air pollution control devices;

(*7*) Actions to correct malfunctions or conditions that may lead to malfunction;

(*8*) Residue characteristics and handling procedures; and

(*9*) Applicable Federal, state, and local regulations, including Occupational Safety and Health Administration workplace standards; and

(B) An examination designed and administered by the instructor; and

(C) Written material covering the training course topics that may serve as reference material following completion of the course.

(vi) To maintain control room operator qualification under a site-specific, source developed and implemented training program as provided by paragraph (c)(6)(v) of this section, control room operators must complete an annual review or refresher course covering, at a minimum, the following topics:

(A) Update of regulations;

(B) Combustor operation, including startup and shutdown procedures, waste firing, and residue handling;

(C) Inspection and maintenance;

(D) Responses to malfunctions or conditions that may lead to malfunction; and

(E) Operating problems encountered by the operator.

(vii) You must record the operator training and certification program in the operating record.

(7) *Operation and maintenance plan* -- (i) *General.* (A) You must prepare and at all times operate according to an operation and maintenance plan that describes in detail procedures for operation, inspection, maintenance, and corrective measures for all components of the combustor, including associated pollution control equipment, that could affect emissions of regulated hazardous air pollutants.

(B) The plan must prescribe how you will operate and maintain the combustor in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels achieved during the comprehensive performance test.

(C) This plan ensures compliance with the operation and maintenance requirements of § 63.6(e) and minimizes emissions of pollutants, automatic waste feed cutoffs, and malfunctions.

(D) You must record the plan in the operating record.

(ii) *Bag leak detection system requirements for baghouses at lightweight aggregate kilns and incinerators.* If you own or operate a hazardous waste incinerator or hazardous waste burning lightweight aggregate kiln equipped with a baghouse (fabric filter), you must continuously operate a bag leak detection system that meets the specifications and requirements of paragraph (c)(7)(ii)(A) of this section and you must comply with the corrective measures requirements of paragraph (c)(7)(ii)(B) of this section:

(A) *Bag leak detection system specification and requirements. (1)* The bag leak detection system must be certified by the manufacturer to be capable of continuously detecting and recording particulate matter emissions at concentrations of 1.0 milligrams per actual cubic meter unless you demonstrate, pursuant to procedures in § 63.1209(a)(1), that a higher sensitivity would adequately detect bag leaks;

(2) The bag leak detection system shall provide output of relative particulate matter loadings;

(3) The bag leak detection system shall be equipped with an alarm system that will sound an audible alarm when an increase in relative particulate loadings is detected over a preset level;

(4) The bag leak detection system shall be installed and operated in a manner consistent with available written guidance from the U.S. Environmental Protection Agency or, in the absence of such written guidance, the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system;

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time;

(6) Following initial adjustment, you must not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the operation and maintenance plan required under paragraph (c)(7)(i) of this section.

You must not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365 day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition;

(*7*) For negative pressure or induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector shall be installed downstream of the baghouse and upstream of any wet acid gas scrubber; and

(*8*) Where multiple detectors are required, the system's instrumentation and alarm system may be shared among the detectors.

(B) *Bag leak detection system corrective measures requirements.* The operating and maintenance plan required by paragraph (c)(7)(i) of this section must include a corrective measures plan that specifies the procedures you will follow in the case of a bag leak detection system alarm. The corrective measures plan must include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective measures taken to correct the control device malfunction or minimize emissions as specified below. Failure to initiate the corrective measures required by this paragraph is failure to ensure compliance with the emission standards in this subpart.

(*1*) You must initiate the procedures used to determine the cause of the alarm within 30 minutes of the time the alarm first sounds; and

(*2*) You must alleviate the cause of the alarm by taking the necessary corrective measure(s) which may include, but are not to be limited to, the following measures:

(*i*) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions;

(*ii*) Sealing off defective bags or filter media;

(*iii*) Replacing defective bags or filter media, or otherwise repairing the control device;

(*iv*) Sealing off a defective baghouse compartment;

(*v*) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system; or

(*vi*) Shutting down the combustor.

§ 63.1207 What are the performance testing requirements?

(a) *General.* The provisions of § 63.7 apply, except as noted below.

(b) *Types of performance tests* -- (1) *Comprehensive performance test.* You must conduct comprehensive performance tests to demonstrate compliance with the emission standards provided by §§ 63.1203, 63.1204, and 63.1205, establish limits for the operating parameters provided by § 63.1209, and demonstrate compliance with the performance specifications for continuous monitoring systems.

(2) *Confirmatory performance test.* You must conduct confirmatory performance tests to:

(i) Demonstrate compliance with the dioxin/furan emission standard when the source operates under normal operating conditions; and

(ii) Conduct a performance evaluation of continuous monitoring systems required for compliance assurance with the dioxin/furan emission standard under § 63.1209(k).

(c) *Initial comprehensive performance test* -- (1) *Test date.* Except as provided by paragraph (c)(2) of this section, you must commence the initial comprehensive performance test not later than six months after the compliance date.

(2) *Data in lieu of the initial comprehensive performance test.* (i) You may request that previous emissions test data serve as documentation of conformance with the emission standards of this subpart provided that the previous testing:

(A) Was initiated after 54 months prior to the compliance date, except as provided by paragraphs (c)(2)(iii) or (c)(2)(iv) of this section;

(B) Results in data that meet quality assurance objectives (determined on a site-specific basis) such that the results demonstrate compliance with the applicable standards;

(C) Was in conformance with the requirements of paragraph (g)(1) of this section; and

(D) Was sufficient to establish the applicable operating parameter limits under § 63.1209.

(ii) You must submit data in lieu of the initial comprehensive performance test in lieu of (i.e., if the data are in lieu of all performance testing) or with the notification of performance test required under paragraph (e) of this section.

(iii) The data in lieu of test age restriction provided in paragraph (c)(2)(i)(A) of this section does not apply for the duration of the interim standards (*i.e.*, the standards published in the Federal Register on February 13, 2002. Paragraph (c)(2)(i)(A) of this section does not apply until EPA promulgates permanent replacement standards pursuant to the Settlement Agreement noticed in the Federal Register on November 16, 2001.

(iv) The data in lieu test age restriction provided in paragraph (c)(2)(i)(A) of this section does not apply to DRE data provided you do not feed hazardous waste at a location in the combustion system other than the normal flame zone.

(d) *Frequency of testing.* Except as otherwise specified in paragraph (d)(4) of this section, you must conduct testing periodically as prescribed in paragraphs (d)(1) through (d)(3) of this section. The date of commencement of the initial comprehensive performance test is the basis for establishing the deadline to commence the initial confirmatory performance test and the next comprehensive performance test. You may conduct performance testing at any time prior to the required date. The deadline for commencing subsequent confirmatory and comprehensive performance testing is based on the date of commencement of the previous comprehensive performance test. Unless the Administrator grants a time extension under paragraph (i) of this section, you must conduct testing as follows:

(1) *Comprehensive performance testing.* Except as otherwise specified in paragraph (d)(4) of this section, you must commence testing no later than 61 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the subsequent comprehensive performance test within 61 months of commencing the test used to provide the data in lieu of the initial performance test.

(2) *Confirmatory performance testing.* Except as otherwise specified in paragraph (d)(4) of this section, you must commence confirmatory performance testing no later than 31 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the initial confirmatory performance test within 31 months of the date six months after the compliance date. To ensure that the confirmatory test is conducted approximately midway between comprehensive performance tests, the Administrator will not approve a test plan that schedules testing within 18 months of commencing the previous comprehensive performance test.

(3) *Duration of testing.* You must complete performance testing within 60 days after the date of commencement, unless the Administrator determines that a time extension is warranted based on your documentation in writing of factors beyond your control that prevent you from meeting the 60-day deadline.

(4) *Applicable testing requirements under the interim standards.* (i) Waiver of periodic comprehensive performance tests. Except as provided by paragraph (c)(2) of this section, you must conduct only an initial comprehensive performance test under the interim standards (*i.e.*, the standards published in the Federal Register on February 13, 2002; all subsequent comprehensive performance testing requirements are waived under the interim standards. The provisions in the introductory text to paragraph (d) and in paragraph

(d)(1) of this section do not apply until EPA promulgates permanent replacement standards pursuant to the Settlement Agreement noticed in the Federal Register on November 16, 2001.

(ii) *Waiver of confirmatory performance tests.* You are not required to conduct a confirmatory test under the interim standards (*i.e.*, the standards published in the Federal Register on February 13, 2002. The confirmatory testing requirements in the introductory text to paragraph (d) and in paragraph (d)(2) of this section are waived until EPA promulgates permanent replacement standards pursuant to the Settlement Agreement noticed in the Federal Register on November 16, 2001.

(e) *Notification of performance test and CMS performance evaluation, and approval of test plan and CMS performance evaluation plan.* (1) The provisions of § 63.7(b) and (c) and § 63.8(e) apply, except:

(i) *Comprehensive performance test.* You must submit to the Administrator a notification of your intention to conduct a comprehensive performance test and CMS performance evaluation and a site-specific test plan and CMS performance evaluation test plan at least one year before the performance test and performance evaluation are scheduled to begin.

(A) The Administrator will notify you of approval or intent to deny approval of the site-specific test plan and CMS performance evaluation test plan within 9 months after receipt of the original plan.

(B) You must submit to the Administrator a notification of your intention to conduct the comprehensive performance test at least 60 calendar days before the test is scheduled to begin.

(ii) *Confirmatory performance test.* You must submit to the Administrator a notification of your intention to conduct a confirmatory performance test and CMS performance evaluation and a site-specific test plan and CMS performance evaluation test plan at least 60 calendar days before the performance test is scheduled to begin. The Administrator will notify you of approval or intent to deny approval of the site-specific test plan and CMS performance evaluation test plan within 30 calendar days after receipt of the original test plans.

(2) After the Administrator has approved the site-specific test plan and CMS performance evaluation test plan, you must make the test plans available to the public for review. You must issue a public notice announcing the approval of the test plans and the location where the test plans are available for review.

(3) *Petitions for time extension if Administrator fails to approve or deny test plans.* You may petition the Administrator under § 63.7(h) to obtain a "waiver" of any performance test -- initial or periodic performance test; comprehensive or confirmatory test. The "waiver" would be implemented as an extension of time to conduct the performance test at a later date.

(i) *Qualifications for the waiver.* (A) You may not petition the Administrator for a waiver under this section if the Administrator has issued a notification of intent to deny your test plan(s) under § 63.7(c)(3)(i)(B);

(B) You must submit a site-specific emissions testing plan and a continuous monitoring system performance evaluation test plan at least one year before a comprehensive performance test is scheduled to begin as required by paragraph (c)(1) of this section, or at least 60 days before a confirmatory performance test is scheduled to begin as required by paragraph (d) of this section. The test plans must include all required documentation, including the substantive content requirements of paragraph (f) of this section and § 63.8(e); and

(C) You must make a good faith effort to accommodate the Administrator's comments on the test plans.

(ii) *Procedures for obtaining a waiver and duration of the waiver:* (A) You must submit to the Administrator a waiver petition or request to renew the petition under § 63.7(h) separately for each source at least 60 days prior to the scheduled date of the performance test;

(B) The Administrator will approve or deny the petition within 30 days of receipt and notify you promptly of the decision;

(C) The Administrator will not approve an individual waiver petition for a duration exceeding 6 months;

(D) The Administrator will include a sunset provision in the waiver ending the waiver within 6 months;

(E) You may submit a revised petition to renew the waiver under § 63.7(h)(3)(iii) at least 60 days prior to the end date of the most recently approved waiver petition;

(F) The Administrator may approve a revised petition for a total waiver period up to 12 months.

(iii) *Content of the waiver.* (A) You must provide documentation to enable the Administrator to determine that the source is meeting the relevant standard(s) on a continuous basis as required by § 63.7(h)(2). For extension requests for the initial comprehensive performance test, you must submit your Documentation of Compliance to assist the Administrator in making this determination.

(B) You must include in the petition information justifying your request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test, as required by § 63.7(h)(3)(iii).

(iv) P*ublic notice.* You must notify the public (e.g., distribute public mailing list) of your petition to waive a performance test.

(f) *Content of performance test plan.* The provisions of §§ 63.7(c)(2)(i)-(iii) and (v) regarding the content of the test plan apply. In addition, you must include the following information in the test plan:

(1) *Content of comprehensive performance test plan.* (i) An analysis of each feedstream, including hazardous waste, other fuels, and industrial furnace feedstocks, as fired, that includes:

(A) Heating value, levels of ash (for hazardous waste incinerators only), levels of semivolatile metals, low volatile metals, mercury, and total chlorine (organic and inorganic); and

(B) Viscosity or description of the physical form of the feedstream;

(ii) For organic hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by § 63.60:

(A) Except as provided by paragraph (f)(1)(ii)(D) of this section, an identification of such organic hazardous air pollutants that are present in each hazardous waste feedstream. You need not analyze for organic hazardous air pollutants that would reasonably not be expected to be found in the feedstream. You must identify any constituents you exclude from analysis and explain the basis for excluding them. You must conduct the feedstream analysis according to § 63.1208(b)(8);

(B) An approximate quantification of such identified organic hazardous air pollutants in the hazardous waste feedstreams, within the precision produced by analytical procedures of § 63.1208(b)(8); and

(C) A description of blending procedures, if applicable, prior to firing the hazardous waste feedstream, including a detailed analysis of the materials prior to blending, and blending ratios.

(D) The Administrator may approve on a case-by-case basis a hazardous waste feedstream analysis for organic hazardous air pollutants in lieu of the analysis required under paragraph (f)(1)(ii)(A) of this section if the reduced analysis is sufficient to ensure that the POHCs used to demonstrate compliance with the applicable DRE standard of § 63.1203, § 63.1204, or § 63.1205, continue to be representative of the organic hazardous air pollutants in your hazardous waste feedstreams;

(iii) A detailed engineering description of the hazardous waste combustor, including:

(A) Manufacturer's name and model number of the hazardous waste combustor;

(B) Type of hazardous waste combustor;

(C) Maximum design capacity in appropriate units;

(D) Description of the feed system for each feedstream;

(E) Capacity of each feed system;

(F) Description of automatic hazardous waste feed cutoff system(s);

(G) Description of the design, operation, and maintenance practices for any air pollution control system; and

(H) Description of the design, operation, and maintenance practices of any stack gas monitoring and pollution control monitoring systems;

(iv) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(v) A detailed test schedule for each hazardous waste for which the performance test is planned, including date(s), duration, quantity of hazardous waste to be burned, and other relevant factors;

(vi) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feedrate for each feed system, and, as appropriate, the feedrates of other fuels and feedstocks, and any other relevant parameters that may affect the ability of the hazardous waste combustor to meet the emission standards;

(vii) A description of, and planned operating conditions for, any emission control equipment that will be used;

(viii) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction;

(ix) A determination of the hazardous waste residence time as required by § 63.1206(b)(11);

(x) If you are requesting to extrapolate metal feedrate limits from comprehensive performance test levels under §§ 63.1209(l)(1)(i) or 63.1209(n)(2)(ii)(A):

(A) A description of the extrapolation methodology and rationale for how the approach ensures compliance with the emission standards;

(B) Documentation of the historical range of normal (*i.e.*, other than during compliance testing) metals feedrates for each feedstream;

(C) Documentation that the level of spiking recommended during the performance test will mask sampling and analysis imprecision and inaccuracy to the extent that the extrapolated feedrate limits adequately assure compliance with the emission standards;

(xi) If you do not continuously monitor regulated constituents in natural gas, process air feedstreams, and feedstreams from vapor recovery systems under § 63.1209(c)(5), you must include documentation of the expected levels of regulated constituents in those feedstreams;

(xii) Documentation justifying the duration of system conditioning required to ensure the combustor has achieved steady-state operations under performance test operating conditions, as provided by paragraph (g)(1)(iii) of this section;

(xiii) For cement kilns with in-line raw mills, if you elect to use the emissions averaging provision of § 63.1204(d), you must notify the Administrator of your intent in the initial (and subsequent) comprehensive performance test plan, and provide the information required under § 63.1204(d)(ii)(B).

(xiv) For preheater or preheater/precalciner cement kilns with dual stacks, if you elect to use the emissions averaging provision of § 63.1204(e), you must notify the Administrator of your intent in the initial (and subsequent) comprehensive performance test plan, and provide the information required under § 63.1204(e)(2)(iii)(A).

(xv) [Reserved]

(xvi) If you are not required to conduct performance testing to document compliance with the mercury, semivolatile metal, low volatile metal, or hydrochloric acid/chlorine gas emission standards under paragraph (m) of this section, you must include with the comprehensive performance test plan documentation of compliance with the provisions of that section.

(xvii) If you propose to use a surrogate for measuring or monitoring gas flowrate, you must document in the comprehensive performance test plan that the surrogate adequately correlates with

gas flowrate, as required by paragraph (m)(7) of this section, and § 63.1209(j)(2), (k)(3), (m)(2)(i), (n)(5)(i), and (o)(2)(i).

(xviii) You must submit an application to request alternative monitoring under § 63.1209(g)(1) not later than with the comprehensive performance test plan, as required by § 63.1209(g)(1)(iii)(A).

(xix) You must document the temperature location measurement in the comprehensive performance test plan, as required by §§ 63.1209(j)(1)(i) and 63.1209(k)(2)(i).

(xx) If your source is equipped with activated carbon injection, you must document in the comprehensive performance test plan:

(A) The manufacturer specifications for minimum carrier fluid flowrate or pressure drop, as required by § 63.1209(k)(6)(ii); and

(B) Key parameters that affect carbon adsorption, and the operating limits you establish for those parameters based on the carbon used during the performance test, if you elect not to specify and use the brand and type of carbon used during the comprehensive performance test, as required by § 63.1209(k)(6)(iii).

(xxi) If your source is equipped with a carbon bed system, and you elect not to specify and use the brand and type of carbon used during the comprehensive performance test, you must include in the comprehensive performance test plan key parameters that affect carbon adsorption, and the operating limits you establish for those parameters based on the carbon used during the performance test, as required by Sec. 63.1209(k)(7)(ii).

(xxii) If you feed a dioxin/furan inhibitor into the combustion system, you must document in the comprehensive performance test plan key parameters that affect the effectiveness of the inhibitor, and the operating limits you establish for those parameters based on the inhibitor fed during the performance test, if you elect not to specify and use the brand and type of inhibitor used during the comprehensive performance test, as required by § 63.1209(k)(9)(ii).

(xxiii) If your source is equipped with a wet scrubber and you elect to monitor solids content of the scrubber liquid manually but believe that hourly monitoring of solids content is not warranted, you must support an alternative monitoring frequency in the comprehensive performance test plan, as required by § 63.1209(m)(1)(i)(B)(*1*)(*i*).

(xxiv) If your source is equipped with a particulate matter control device other than a wet scrubber, baghouse, or electrostatic precipitator, you must include in the comprehensive performance test plan:

(A) Documentation to support the operating parameter limits you establish for the control device, as required by § 63.1209(m)(1)(iv)(A)(*4*); and

(B) Support for the use of manufacturer specifications if you recommend such specifications in lieu of basing operating limits on performance test operating levels, as required by § 63.1209(m)(1)(iv)(D).

(xxv) If your source is equipped with a dry scrubber to control hydrochloric acid and chlorine gas, you must document in the comprehensive performance test plan key parameters that affect adsorption, and the limits you establish for those parameters based on the sorbent used during the performance test, if you elect not to specify and use the brand and type of sorbent used during the comprehensive performance test, as required by § 63.1209(o)(4)(iii)(A); and

(xxvi) For purposes of calculating semivolatile metal, low volatile metal, mercury, and total chlorine (organic and inorganic), and ash feedrate limits, a description of how you will handle performance test feedstream analytical results that determines these constituents are not present at detectable levels.

(xxvii) Such other information as the Administrator reasonably finds necessary to determine whether to approve the performance test plan.

(2) *Content of confirmatory test plan.* (i) A description of your normal hydrocarbon or carbon monoxide operating levels, as specified in paragraph (g)(2)(i) of this section, and an explanation of how these normal levels were determined;

(ii) A description of your normal applicable operating parameter levels, as specified in paragraph (g)(2)(ii) of this section, and an explanation of how these normal levels were determined;

(iii) A description of your normal chlorine operating levels, as specified in paragraph (g)(2)(iii) of this section, and an explanation of how these normal levels were determined;

(iv) If you use carbon injection or a carbon bed, a description of your normal cleaning cycle of the particulate matter control device, as specified in paragraph (g)(2)(iv) of this section, and an explanation of how these normal levels were determined;

(v) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(vi) A detailed test schedule for each hazardous waste for which the performance test is planned, including date(s), duration, quantity of hazardous waste to be burned, and other relevant factors;

(vii) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feedrate for each feed system, and, as appropriate, the feedrates of other fuels and feedstocks, and any other relevant parameters that may affect the ability of the hazardous waste combustor to meet the dioxin/furan emission standard;

(viii) A description of, and planned operating conditions for, any emission control equipment that will be used;

(ix) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction; and

(x) Such other information as the Administrator reasonably finds necessary to determine whether to approve the confirmatory test plan.

(g) *Operating conditions during testing.* You must comply with the provisions of § 63.7(e). Conducting performance testing under operating conditions representative of the extreme range of normal conditions is consistent with the requirement of § 63.7(e)(1) to conduct performance testing under representative operating conditions.

(1) *Comprehensive performance testing* -- (i) *Operations during testing.* For the following parameters, you must operate the combustor during the performance test under normal conditions (or conditions that will result in higher than normal emissions):

(A) *Chlorine feedrate.* You must feed normal (or higher) levels of chlorine during the dioxin/furan performance test;

(B) *Ash feedrate.* For hazardous waste incinerators, you must conduct the following tests when feeding normal (or higher) levels of ash: The semivolatile metal and low volatile metal performance tests; and the dioxin/furan and mercury performance tests if activated carbon injection or a carbon bed is used; and

(C) *Cleaning cycle of the particulate matter control device.* You must conduct the following tests when the particulate matter control device undergoes its normal (or more frequent) cleaning cycle: The particulate matter, semivolatile metal, and low volatile metal performance tests; and the dioxin/furan and mercury performance tests if activated carbon injection or a carbon bed is used.

(ii) *Modes of operation.* Given that you must establish limits for the applicable operating parameters specified in § 63.1209 based on operations during the comprehensive performance test, you may conduct testing under two or more operating modes to provide operating flexibility.

(iii) *Steady-state conditions.* (A) Prior to obtaining performance test data, you must operate under performance test conditions until you reach steady-state operations with respect to emissions of pollutants you must measure during the performance test and operating parameters under § 63.1209 for which you must establish limits. During system conditioning, you must ensure that each operating parameter for which you must establish a limit is held at the level planned for the performance test.

You must include documentation in the performance test plan under paragraph (f) of this section justifying the duration of system conditioning.

(B) If you own or operate a hazardous waste cement kiln that recycles collected particulate matter (*i.e.*, cement kiln dust) into the kiln, you must sample and analyze the recycled particulate matter prior to obtaining performance test data for levels of selected metals that must be measured during performance testing to document that the system has reached steady-state conditions (*i.e.*, that metals levels have stabilized). You must document the rationale for selecting metals that are indicative of system equilibrium and include the information in the performance test plan under paragraph (f) of this section. To determine system equilibrium, you must sample and analyze the recycled particulate matter hourly for each selected metal, unless you submit in the performance test plan a justification for reduced sampling and analysis and the Administrator approves in writing a reduced sampling and analysis frequency.

(2) *Confirmatory performance testing.* You must conduct confirmatory performance testing for dioxin/furan under normal operating conditions for the following parameters:

(i) Carbon monoxide (or hydrocarbon) CEMS emissions levels must be within the range of the average value to the maximum value allowed, except as provided by paragraph (g)(2)(iv) of this section. The average value is defined as the sum of the hourly rolling average values recorded (each minute) over the previous 12 months, divided by the number of rolling averages recorded during that time. The average value must not include calibration data, startup data, shutdown data, malfunction data, and data obtained when not burning hazardous waste;

(ii) Each operating limit (specified in § 63.1209) established to maintain compliance with the dioxin/furan emission standard must be held within the range of the average value over the previous 12 months and the maximum or minimum, as appropriate, that is allowed, except as provided by paragraph (g)(2)(iv) of this section. The average value is defined as the sum of the rolling average values recorded over the previous 12 months, divided by the number of rolling averages recorded during that time. The average value must not include calibration data, startup data, shutdown data, malfunction data, and data obtained when not burning hazardous waste;

(iii) You must feed chlorine at normal feedrates or greater; and

(iv) If the combustor is equipped with carbon injection or carbon bed, normal cleaning cycle of the particulate matter control device.

(v) The Administrator may approve an alternative range to that required by paragraphs (g)(2)(i) and (ii) of this section if you document in the confirmatory performance test plan that it may be problematic to maintain the required range during the test. In addition, when making the finding of compliance, the Administrator may consider test conditions outside of the range specified in the test plan based on a finding that you could not reasonably maintain the range specified in the test plan and considering factors including whether the time duration and level of the parameter when operations were out of the specified range were such that operations during the confirmatory test are determined to be reasonably representative of normal operations. In addition, the Administrator will consider the proximity of the emission test results to the standard.

(h) *Operating conditions during subsequent testing.* (1) Current operating parameter limits established under § 63.1209 are waived during subsequent comprehensive performance testing.

(2) Current operating parameter limits are also waived during pretesting prior to comprehensive performance testing for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the Administrator) under an approved test plan or if the source records the results of the pretesting. Pretesting means:

(i) Operations when stack emissions testing for dioxin/furan, mercury, semivolatile metals, low volatile metals, particulate matter, or hydrochloric acid/chlorine gas is being performed; and

(ii) Operations to reach steady-state operating conditions prior to stack emissions testing under paragraph (g)(1)(iii) of this section.

(i) *Time extension for subsequent performance tests.* After the initial comprehensive performance test, you may request up to a one-year time extension for conducting a comprehensive or confirmatory performance test to consolidate performance testing with other state or federally required emission testing, or for other reasons deemed acceptable by the Administrator. If the Administrator grants a time extension for a comprehensive performance test, the deadlines for commencing the next comprehensive and confirmatory tests are based on the date that the subject comprehensive performance test commences.

(1) You must submit in writing to the Administrator any request under this paragraph for a time extension for conducting a performance test.

(2) You must include in the request for an extension for conducting a performance test the following:

(i) A description of the reasons for requesting the time extension;

(ii) The date by which you will commence performance testing.

(3) The Administrator will notify you in writing of approval or intention to deny approval of your request for an extension for conducting a performance test within 30 calendar days after receipt of sufficient information to evaluate your request. The 30-day approval or denial period will begin after you have been notified in writing that your application is complete. The Administrator will notify you in writing 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 you submit.

(4) When notifying you that your application is not complete, the Administrator will specify the information needed to complete the application. The Administrator will also provide notice of opportunity for you to present, in writing, within 30 calendar days after notification of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(5) Before denying any request for an extension for performance testing, the Administrator will notify you in writing 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 you to present in writing, within 15 calendar days after notification of the intended denial, additional information or arguments to the Administrator before further action on the request.

(6) The Administrator's final determination to deny any request for an extension will be in writing and will set forth specific grounds upon which the denial is based. The final determination will be made within 30 calendar days after the 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.

(j) *Notification of compliance* -- (1) *Comprehensive performance test.* (i) Except as provided by paragraphs (j)(4) and (j)(5) of this section, within 90 days of completion of a comprehensive performance test, you must postmark a Notification of Compliance documenting compliance with the emission standards and continuous monitoring system requirements, and identifying operating parameter limits under Sec. 63.1209.

(ii) Upon postmark of the Notification of Compliance, you must comply with all operating requirements specified in the Notification of Compliance in lieu of the limits specified in the Documentation of Compliance required under § 63.1211(c).

(2) *Confirmatory performance test.* Except as provided by paragraph (j)(4) of this section, within 90 days of completion of a confirmatory performance test, you must postmark a Notification of Compliance documenting compliance or noncompliance with the applicable dioxin/furan emission standard.

(3) See §§ 63.7(g), 63.9(h), and 63.1210(b) for additional requirements pertaining to the Notification of Compliance (*e.g.*, you must include results of performance tests in the Notification of Compliance).

(4) *Time extension.* You may submit a written request to the Administrator for a time extension documenting that, for reasons beyond your control, you may not be able to meet the 90-day deadline for submitting the Notification of Compliance after completion of testing. The Administrator will determine whether a time extension is warranted.

(5) Early compliance. If you conduct the initial comprehensive performance test prior to the compliance date, you must postmark the Notification of Compliance within 90 days of completion of the performance test or by the compliance date, whichever is later.

(k) *Failure to submit a timely notification of compliance.* (1) If you fail to postmark a Notification of Compliance by the specified date, you must cease hazardous waste burning immediately.

(2) Prior to submitting a revised Notification of Compliance as provided by paragraph (k)(3) of this section, you may burn hazardous waste only for the purpose of pretesting or comprehensive performance testing and only for a maximum of 720 hours (renewable at the discretion of the Administrator).

(3) You must submit to the Administrator a Notification of Compliance subsequent to a new comprehensive performance test before resuming hazardous waste burning.

(l) *Failure of performance test* -- (1) *Comprehensive performance test.* The provisions of this paragraph do not apply to the initial comprehensive performance test if you conduct the test prior to September 30, 2003 (or a later compliance date approved under § 63.6(i)).

(i) If you determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that you have exceeded any emission standard during a comprehensive performance test for a mode of operation, you must cease hazardous waste burning immediately under that mode of operation. You must make this determination within 90 days following completion of the performance test.

(ii) If you have failed to demonstrate compliance with the emission standards for any mode of operation:

(A) Prior to submitting a revised Notification of Compliance as provided by paragraph (l)(1)(ii)(C) of this section, you may burn hazardous waste only for the purpose of pretesting or comprehensive performance testing under revised operating conditions, and only for a maximum of 720 hours (renewable at the discretion of the Administrator), except as provided by paragraph (l)(3) of this section;

(B) You must conduct a comprehensive performance test under revised operating conditions following the requirements for performance testing of this section; and

(C) You must submit to the Administrator a Notification of Compliance subsequent to the new comprehensive performance test.

(2) *Confirmatory performance test.* If you determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that you have failed the dioxin/furan emission standard during a confirmatory performance test, you must cease burning hazardous waste immediately. You must make this determination within 90 days following completion of the performance test. To burn hazardous waste in the future:

(i) You must submit to the Administrator for review and approval a test plan to conduct a comprehensive performance test to identify revised limits on the applicable dioxin/furan operating parameters specified in § 63.1209(k);

(ii) You must submit to the Administrator a Notification of Compliance with the dioxin/furan emission standard under the provisions of paragraphs (j) and (k) of this section and this paragraph (l). You must include in the Notification of Compliance the revised limits on the applicable dioxin/furan operating parameters specified in § 63.1209(k); and

(iii) Until the Notification of Compliance is submitted, you must not burn hazardous waste except for purposes of pretesting or confirmatory performance testing, and for a maximum of 720 hours (renewable at the discretion of the Administrator), except as provided by paragraph (l)(3) of this section.

(3) You may petition the Administrator to obtain written approval to burn hazardous waste in the interim prior to submitting a Notification of Compliance for purposes other than testing or pretesting. You must specify operating requirements, including limits on operating parameters, that you determine will ensure compliance with the emission standards of this subpart based on available information including data from the

failed performance test. The Administrator will review, modify as necessary, and approve if warranted the interim operating requirements. An approval of interim operating requirements will include a schedule for submitting a Notification of Compliance.

(m) *Waiver of performance test.* (1) The waiver provision of this paragraph applies in addition to the provisions of § 63.7(h).

(2) You are not required to conduct performance tests to document compliance with the mercury, semivolatile metal, low volatile metal or hydrochloric acid/chlorine gas emission standards under the conditions specified below. You are deemed to be in compliance with an emission standard if the twelve-hour rolling average maximum theoretical emission concentration (MTEC) determined as specified below does not exceed the emission standard:

(i) Determine the feedrate of mercury, semivolatile metals, low volatile metals, or total chlorine and chloride from all feedstreams;

(ii) Determine the stack gas flowrate; and

(iii) Calculate a MTEC for each standard assuming all mercury, semivolatile metals, low volatile metals, or total chlorine (organic and inorganic) from all feedstreams is emitted;

(3) To document compliance with this provision, you must:

(i) Monitor and record the feedrate of mercury, semivolatile metals, low volatile metals, and total chlorine and chloride from all feedstreams according to § 63.1209(c);

(ii) Monitor with a CMS and record in the operating record the gas flowrate (either directly or by monitoring a surrogate parameter that you have correlated to gas flowrate);

(iii) Continuously calculate and record in the operating record the MTEC under the procedures of paragraph (m)(2) of this section; and

(iv) Interlock the MTEC calculated in paragraph (m)(2)(iii) of this section to the AWFCO system to stop hazardous waste burning when the MTEC exceeds the emission standard.

(4) In lieu of the requirement in paragraphs (m)(3)(iii) and (iv) of this section, you may:

(i) Identify in the Notification of Compliance a minimum gas flowrate limit and a maximum feedrate limit of mercury, semivolatile metals, low volatile metals, and/or total chlorine and chloride from all feedstreams that ensures the MTEC as calculated in paragraph (m)(2)(iii) of this section is below the applicable emission standard; and

(ii) Interlock the minimum gas flowrate limit and maximum feedrate limit of paragraph (m)(4)(i) of this section to the AWFCO system to stop hazardous waste burning when the gas flowrate or mercury, semivolatile metals, low volatile metals, and/or total chlorine and chloride feedrate exceeds the limits of paragraph (m)(4)(i) of this section.

(5) When you determine the feedrate of mercury, semivolatile metals, low volatile metals, or total chlorine and chloride for purposes of this provision, except as provided by paragraph (m)(6) of this section, you must assume that the analyte is present at the full detection limit when the feedstream analysis determines that the analyte is not detected in the feedstream.

(6) Owners and operators of hazardous waste burning cement kilns and lightweight aggregate kilns may assume that mercury is present in raw material at half the detection limit when the raw material feedstream analysis determines that mercury is not detected.

(7) You must state in the site-specific test plan that you submit for review and approval under paragraph (e) of this section that you intend to comply with the provisions of this paragraph. You must include in the test plan documentation that any surrogate that is proposed for gas flowrate adequately correlates with the gas flowrate.

§ 63.1208 What are the test methods?

(a) References. When required in subpart EEE of this part, the following publication is incorporated by reference, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication

SW-846 Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), and III (December 1996). The Third Edition of SW-846 and Updates I, II, IIA, IIB, and III (document number 955-001-00000-1) are available for the Superintendent of Document, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800. Copies of the Third Edition and its updates are also available from the National Technical Information Services (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(b) Test methods. You must use the following test methods to determine compliance with the emissions standards of this subpart:

(1) Dioxins and furans.

(i) You must use Method 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans emissions from Stationary Sources, EPA Publication SW-846, as incorporated by reference in paragraph (a) of this section, to determine compliance with the emission standard for dioxins and furans;

(ii) You must sample for a minimum of three hours, and you must collect a minimum sample volume of 2.5 dscm;

(iii) You may assume that nondetects are present at zero concentration.

(2) Mercury. You must use Method 29, provided in appendix A, part 60 of this chapter, to demonstrate compliance with emission standard for mercury.

(3) Cadmium and lead. You must use Method 29, provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for cadmium and lead (combined).

(4) Arsenic, beryllium, and chromium. You must use Method 29, provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for arsenic, beryllium, and chromium (combined).

(5) Hydrochloric acid and chlorine gas. You may use Methods 26A, 320, or 321 provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for hydrochloric acid and chlorine gas (combined). You may use Methods 320 or 321 to make major source determinations under § 63.9(b)(2)(v).

(6) Particulate matter. You must use Methods 5 or 5I, provided in appendix A, part 60 of this chapter, to demonstrate compliance with the emission standard for particulate matter.

(7) Other Test Methods. You may use applicable test methods in EPA Publication SW-846, as incorporated by reference in paragraph (a) of this section, as necessary to demonstrate compliance with requirements of this subpart, except as otherwise specified in paragraphs (b)(2)-(b)(6) of this section.

(8) Feedstream analytical methods. You may use any reliable analytical method to determine feedstream concentrations of metals, chlorine, and other constituents. It is your responsibility to ensure that the sampling and analysis procedures are unbiased, precise, and that the results are representative of the feedstream. For each feedstream, you must demonstrate that:

(i) Each analyte is not present above the reported level at the 80% upper confidence limit around the mean; and

(ii) The analysis could have detected the presence of the constituent at or below the reported level at the 80% upper confidence limit around the mean. (See Guidance for Data Quality Assessment--Practical Methods for Data Analysis, EPA QA/G-9, January 1998, EPA/600/R-96/084).

(9) Opacity. If you determine compliance with the opacity standard under the monitoring requirements of §§ 63.1209(a)(1)(iv) and (a)(1)(v), you must use Method 9, provided in appendix A, part 60 of this chapter.

§ 63.1209 What are the monitoring requirements?

(a) *Continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS).*

(1) (i) You must use either a carbon monoxide or hydrocarbon CEMS to demonstrate and monitor compliance with the carbon monoxide and hydrocarbon standard under this subpart. You must also use an oxygen CEMS to continuously correct the carbon monoxide or hydrocarbon level to 7 percent oxygen.

(ii) For cement kilns, except as provided by paragraphs (a)(1)(iv) and (a)(1)(v) of this section, you must use a COMS to demonstrate and monitor compliance with the opacity standard under §§ 63.1204(a)(7) and (b)(7) at each point where emissions are vented from these affected sources including the bypass stack of a preheater or preheater/precalciner kiln with dual stacks.

(A) You must maintain and operate each COMS in accordance with the requirements of § 63.8(c) except for the requirements under § 63.8(c)(3). The requirements of § 63.1211(c) shall be complied with instead of § 63.8(c)(3); and

(B) Compliance is based on six-minute block average.

(iii) You must install, calibrate, maintain, and operate a particulate matter CEMS to demonstrate and monitor compliance with the particulate matter standards under this subpart. However, compliance with the requirements in this section to install, calibrate, maintain and operate the PM CEMS is not required until such time that the Agency promulgates all performance specifications and operational requirements applicable to PM CEMS.

(iv) If you operate a cement kiln subject to the provisions of this subpart and use a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks, you may, in lieu of installing the COMS required by paragraph (a)(1)(ii) of this section, comply with the opacity standard in accordance with the procedures of Method 9 to part 60 of this chapter:

(A) You must conduct the Method 9 test while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day;

(B) The duration of the Method 9 test shall be at least 30 minutes each day;

(C) You must use the Method 9 procedures to monitor and record the average opacity for each six-minute block period during the test; and

(D) To remain in compliance, all six-minute block averages must not exceed the opacity standard under §§ 63.1204(a)(7) and (b)(7).

(v) If you operate a cement kiln subject to the provisions of this subpart and use a particulate matter control device that exhausts through a monovent, or if the use of a COMS in accordance with the installation specification of Performance Specification 1 (PS-1) of appendix B to part 60 of this chapter is not feasible, you may, in lieu of installing the COMS required by paragraph (a)(1)(ii) of this section. comply with the opacity standard in accordance with the procedures of Method 9 to part 60 of this chapter:

(A) You must conduct the Method 9 test while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day;

(B) The duration of the Method 9 test shall be at least 30 minutes each day;

(C) You must use the Method 9 procedures to monitor and record the average opacity for each six-minute block period during the test; and

(D) To remain in compliance, all six-minute block averages must not exceed the opacity standard under §§ 63.1204(a)(7) and (b)(7).

(2) *Performance specifications.* You must install, calibrate, maintain, and continuously operate the CEMS and COMS in compliance with the quality assurance procedures provided in the appendix to this subpart and Performance Specifications 1 (opacity), 4B (carbon monoxide and oxygen), and 8A (hydrocarbons) in appendix B, part 60 of this chapter.

(3) *Carbon monoxide readings exceeding the span.* (i) Except as provided by paragraph (a)(3)(ii) of this section, if a carbon monoxide CEMS detects a response that results in a one-minute average at or above the 3,000 ppmv span level required by Performance Specification 4B in appendix B, part 60 of this chapter, the one-minute average must be recorded as 10,000 ppmv. The one-minute 10,000 ppmv value must be used for calculating the hourly rolling average carbon monoxide level.

(ii) Carbon monoxide CEMS that use a span value of 10,000 ppmv when one-minute carbon monoxide levels are equal to or exceed 3,000 ppmv are not subject to paragraph (a)(3)(i) of this section. Carbon monoxide CEMS that use a span value of 10,000 are subject to the same CEMS performance and equipment specifications when operating in the range of 3,000 ppmv to 10,000 ppmv that are provided by Performance Specification 4B for other carbon monoxide CEMS, except:

(A) Calibration drift must be less than 300 ppmv; and

(B) Calibration error must be less than 500 ppmv.

(4) *Hydrocarbon readings exceeding the span.* (i) Except as provided by paragraph (a)(4)(ii) of this section, if a hydrocarbon CEMS detects a response that results in a one-minute average at or above the 100 ppmv span level required by Performance Specification 8A in appendix B, part 60 of this chapter, the one-minute average must be recorded as 500 ppmv. The one-minute 500 ppmv value must be used for calculating the hourly rolling average HC level.

(ii) Hydrocarbon CEMS that use a span value of 500 ppmv when one-minute hydrocarbon levels are equal to or exceed 100 ppmv are not subject to paragraph (a)(4)(i) of this section. Hydrocarbon CEMS that use a span value of 500 ppmv are subject to the same CEMS performance and equipment specifications when operating in the range of 100 ppmv to 500 ppmv that are provided by Performance Specification 8A for other hydrocarbon CEMS, except:

(A) The zero and high-level calibration gas must have a hydrocarbon level of between 0 and 100 ppmv, and between 250 and 450 ppmv, respectively;

(B) The strip chart recorder, computer, or digital recorder must be capable of recording all readings within the CEM measurement range and must have a resolution of 2.5 ppmv;

(C) The CEMS calibration must not differ by more than ±15 ppmv after each 24-hour period of the seven day test at both zero and high levels;

(D) The calibration error must be no greater than 25 ppmv; and

(E) The zero level, mid-level, and high level calibration gas used to determine calibration error must have a hydrocarbon level of 0-200 ppmv, 150-200 ppmv, and 350-400 ppmv, respectively.

(5) *Petitions to use CEMS for other standards.* You may petition the Administrator to use CEMS for compliance monitoring for particulate matter, mercury, semivolatile metals, low volatile metals, and hydrochloric acid/chlorine gas under § 63.8(f) in lieu of compliance with the corresponding operating parameter limits under this section.

(6) *Calculation of rolling averages* -- (i) *Calculation of rolling averages initially.* The carbon monoxide or hydrocarbon CEMS must begin recording one-minute average values by 12:01 a.m. and hourly rolling average values by 1:01 a.m., when 60 one-minute values will be available for calculating the initial hourly rolling average for those sources that come into compliance on the regulatory compliance date. Sources that elect to come into compliance before the regulatory compliance date must begin recording one-minute and hourly rolling average values within 60 seconds and 60 minutes (when 60 one-minute values will be available for calculating the initial hourly rolling average), respectively, from the time at which compliance begins.

(ii) *Calculation of rolling averages upon intermittent operations.* You must ignore periods of time when one-minute values are not available for calculating the hourly rolling average. When one-minute values become available again, the first one-minute value is added to the previous 59 values to calculate the hourly rolling average.

(iii) *Calculation of rolling averages when the hazardous waste feed is cutoff.* (A) Except as provided by paragraph (a)(6)(iii)(B) of this section, you must continue monitoring carbon monoxide and hydrocarbons when the hazardous waste feed is cutoff if the source is operating. You must not resume feeding hazardous waste if the emission levels exceed the standard.

(B) You are not subject to the CEMS requirements of this subpart during periods of time you meet the requirements of § 63.1206(b)(1)(ii) (compliance with emissions standards for nonhazardous waste burning sources when you are not burning hazardous waste).

(7) *Operating parameter limits for hydrocarbons.* If you elect to comply with the carbon monoxide and hydrocarbon emission standard by continuously monitoring carbon monoxide with a CEMS, you must demonstrate that hydrocarbon emissions during the comprehensive performance test do not exceed the hydrocarbon emissions standard. In addition, the limits you establish on the destruction and removal efficiency (DRE) operating parameters required under paragraph (j) of this section also ensure that you maintain compliance with the hydrocarbon emission standard. If you do not conduct the hydrocarbon demonstration and DRE tests concurrently, you must establish separate operating parameter limits under paragraph (j) of this section based on each test and the more restrictive of the operating parameter limits applies.

(b) *Other continuous monitoring systems (CMS).* (1) You must use CMS (e.g., thermocouples, pressure transducers, flow meters) to document compliance with the applicable operating parameter limits under this section.

(2) Except as specified in paragraphs (b)(2)(i) and (ii) of this section, you must install and operate continuous monitoring systems other than CEMS in conformance with § 63.8(c)(3) that requires you, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system:

(i) *Calibration of thermocouples and pyrometers.* The calibration of thermocouples must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequent than once per year. You must operate and maintain optical pyrometers in accordance with manufacturer specifications unless otherwise approved by the Administrator. You must calibrate optical pyrometers in accordance with the frequency and procedures recommended by the manufacturer, but no less frequent than once per year, unless otherwise approved by the Administrator. And,

(ii) *Accuracy and calibration of weight measurement devices for activated carbon injection systems.* If you operate a carbon injection system the accuracy of the weight measurement device must be ±1 percent of the weight being measured. The calibration of the device must be verified at least once every three months.

(3) CMS must sample the regulated parameter without interruption, and evaluate the detector response at least once each 15 seconds, and compute and record the average values at least every 60 seconds.

(4) The span of the non-CEMS CMS detector must not be exceeded. You must interlock the span limits into the automatic waste feed cutoff system required by § 63.1206(c)(3).

(5) *Calculation of rolling averages* -- (i) *Calculation of rolling averages initially.* Continuous monitoring systems must begin recording one-minute average values by 12:01 a.m., hourly rolling average values by 1:01 a.m.(e.g., when 60 one-minute values will be available for calculating the initial hourly rolling average), and twelve-hour rolling averages by 12:01 p.m.(e.g., when 720 one-minute averages are available to calculate a 12-hour rolling average), for those sources that come into compliance on the regulatory compliance date. Sources that elect to come into compliance before the regulatory compliance date must begin recording one-minute, hourly rolling average, and 12-hour rolling average values within 60 seconds, 60 minutes (when 60 one-minute values will be available for calculating the initial hourly rolling average), and 720 minutes (when 720 one-minute values will be available for calculating the initial 12-hour hourly rolling average) respectively, from the time at which compliance begins.

(ii) *Calculation of rolling averages upon intermittent operations.* You must ignore periods of time when one-minute values are not available for calculating rolling averages. When one-minute values become available again, the first one-minute value is added to the previous one-minute values to calculate rolling averages.

(iii) *Calculation of rolling averages when the hazardous waste feed is cutoff.* (A) Except as provided by paragraph (b)(5)(iii)(B) of this section, you must continue monitoring operating parameter limits with a CMS when the hazardous waste feed is cutoff if the source is operating. You must not resume feeding hazardous waste if an operating parameter exceeds its limit.

(B) You are not subject to the CMS requirements of this subpart during periods of time you meet the requirements of § 63.1206(b)(1)(ii) (compliance with emissions standards for nonhazardous waste burning sources when you are not burning hazardous waste).

(c) *Analysis of feedstreams* -- (1) *General.* Prior to feeding the material, you must obtain an analysis of each feedstream that is sufficient to document compliance with the applicable feedrate limits provided by this section.

(2) *Feedstream analysis plan.* You must develop and implement a feedstream analysis plan and record it in the operating record. The plan must specify at a minimum:

(i) The parameters for which you will analyze each feedstream to ensure compliance with the operating parameter limits of this section;

(ii) Whether you will obtain the analysis by performing sampling and analysis or by other methods, such as using analytical information obtained from others or using other published or documented data or information;

(iii) How you will use the analysis to document compliance with applicable feedrate limits (*e.g.*, if you blend hazardous wastes and obtain analyses of the wastes prior to blending but not of the blended, as-fired, waste, the plan must describe how you will determine the pertinent parameters of the blended waste);

(iv) The test methods which you will use to obtain the analyses;

(v) The sampling method which you will use to obtain a representative sample of each feedstream to be analyzed using sampling methods described in appendix IX, part 266, of this chapter, or an equivalent method; and

(vi) The frequency with which you will review or repeat the initial analysis of the feedstream to ensure that the analysis is accurate and up to date.

(3) *Review and approval of analysis plan.* You must submit the feedstream analysis plan to the Administrator for review and approval, if requested.

(4) *Compliance with feedrate limits.* To comply with the applicable feedrate limits of this section, you must monitor and record feedrates as follows:

(i) Determine and record the value of the parameter for each feedstream by sampling and analysis or other method;

(ii) Determine and record the mass or volume flowrate of each feedstream by a CMS. If you determine flowrate of a feedstream by volume, you must determine and record the density of the feedstream by sampling and analysis (unless you report the constituent concentration in units of weight per unit volume (e.g., mg/l)); and

(iii) Calculate and record the mass feedrate of the parameter per unit time.

(5) *Waiver of monitoring of constituents in certain feedstreams.* You are not required to monitor levels of metals or chlorine in the following feedstreams to document compliance with the feedrate limits under this section provided that you document in the comprehensive performance test plan the expected levels of the constituent in the feedstream and account for those assumed feedrate levels in documenting compliance with feedrate limits: natural gas, process air, and feedstreams from vapor recovery systems.

(d) *Performance evaluations.* (1) The requirements of §§ 63.8(d) (Quality control program) and (e) (Performance evaluation of continuous monitoring systems) apply, except that you must conduct performance evaluations of components of the CMS under the frequency and procedures (for example, submittal of performance evaluation test plan for review and approval) applicable to performance tests as provided by § 63.1207.

(2) You must comply with the quality assurance procedures for CEMS prescribed in the appendix to this subpart.

Conduct of monitoring. The provisions of § 63.8(b) apply.

(f) *Operation and maintenance of continuous monitoring systems.* The provisions of § 63.8(c) apply except:

(1) *Section 63.8(c)(3).* The requirements of § 63.1211(c), that requires CMSs to be installed, calibrated, and operational on the compliance date, shall be complied with instead of section 63.8(c)(3);

(2) *Section 63.8(c)(4)(ii).* The performance specifications for carbon monoxide, hydrocarbon, and oxygen CEMSs in subpart B, part 60 of this chapter that requires detectors to measure the sample concentration at least once every 15 seconds for calculating an average emission rate once every 60 seconds shall be complied with instead of section 63.8(c)(4)(ii); and

(3) Sections 63.8(c)(4)(i), (c)(5), and (c)(7)(i)(C) pertaining to COMS apply only to owners and operators of hazardous waste burning cement kilns..

(g) *Alternative monitoring requirements other than continuous emissions monitoring systems (CEMS)* -- (1) *Requests to use alternative methods.* (i) You may submit an application to the Administrator under this paragraph for approval of alternative monitoring requirements to document compliance with the emission standards of this subpart. For requests to use additional CEMS, however, you must use paragraph (a)(5) of this section and § 63.8(f).

(A) The Administrator will not approve averaging periods for operating parameter limits longer than specified in this section unless you document using data or information that the longer averaging period will ensure that emissions do not exceed levels achieved during the comprehensive performance test over any increment of time equivalent to the time required to conduct three runs of the performance test.

(B) If the Administrator approves the application to use an alternative monitoring requirement, you must continue to use that alternative monitoring requirement until you receive approval under this paragraph to use another monitoring requirement.

(ii) You may submit an application to waive an operating parameter limit specified in this section based on documentation that neither that operating parameter limit nor an alternative operating parameter limit is needed to ensure compliance with the emission standards of this subpart.

(iii) You must comply with the following procedures for applications submitted under paragraphs (g)(1)(i) and (ii) of this section:

(A) *Timing of the application.* You must submit the application to the Administrator not later than with the comprehensive performance test plan.

(B) *Content of the application.* You must include in the application:

(*1*) Data or information justifying your request for an alternative monitoring requirement (or for a waiver of an operating parameter limit), such as the technical or economic infeasibility or the impracticality of using the required approach;

(*2*) A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach/technique (*e.g.*, type of detector, monitoring location), the averaging period for the limit, and how the limit is to be calculated; and

(*3*) Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard, or that it is the monitoring requirement that best assures compliance with the standard and that is technically and economically practicable.

(C) *Approval of request to use an alternative monitoring requirement or waive an operating parameter limit.* The Administrator will notify you of approval or intention to deny approval of the request within 90 calendar days after receipt of the original request and within 60 calendar days after receipt of any supplementary information that you submit. The Administrator will not approve an alternative monitoring request unless the alternative monitoring requirement provides equivalent or better assurance of compliance with the relevant emission standard, or is the monitoring requirement that best assures compliance with the standard and that is technically and economically practicable. Before disapproving

any request, the Administrator will notify you of the Administrator's intention to disapprove the request together with:

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

(2) Notice of opportunity for you to present additional information to the Administrator before final action on the request. At the time the Administrator notifies you of intention to disapprove the request, the Administrator will specify how much time you will have after being notified of the intended disapproval to submit the additional information.

(D) *Responsibility of owners and operators.* You are responsible for ensuring that you submit any supplementary and additional information supporting your application in a timely manner to enable the Administrator to consider your application during review of the comprehensive performance test plan. Neither your submittal of an application, nor the Administrator's failure to approve or disapprove the application, relieves you of the responsibility to comply with the provisions of this subpart.

(2) *Administrator's discretion to specify additional or alternative requirements.* The Administrator may determine on a case-by-case basis at any time (e.g., during review of the comprehensive performance test plan, during compliance certification review) that you may need to limit additional or alternative operating parameters (e.g., opacity in addition to or in lieu of operating parameter limits on the particulate matter control device) or that alternative approaches to establish limits on operating parameters may be necessary to document compliance with the emission standards of this subpart.

(h) *Reduction of monitoring data.* The provisions of § 63.8(g) apply.

(i) *When an operating parameter is applicable to multiple standards.* Paragraphs (j) through (p) of this section require you to establish limits on operating parameters based on comprehensive performance testing to ensure you maintain compliance with the emission standards of this subpart. For several parameters, you must establish a limit for the parameter to ensure compliance with more than one emission standard. An example is a limit on minimum combustion chamber temperature to ensure compliance with both the DRE standard of paragraph (j) of this section and the dioxin/furan standard of paragraph (k) of this section. If the performance tests for such standards are not performed simultaneously, the most stringent limit for a parameter derived from independent performance tests applies.

(j) *DRE.* To remain in compliance with the destruction and removal efficiency (DRE) standard, you must establish operating limits during the comprehensive performance test (or during a previous DRE test under provisions of § 63.1206(b)(7)) for the following parameters, unless the limits are based on manufacturer specifications, and comply with those limits at all times that hazardous waste remains in the combustion chamber (*i.e.*, the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated):

(1) *Minimum combustion chamber temperature.* (i) You must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the combustion zone. You must document the temperature measurement location in the test plan you submit under § 63.1207(e);

(ii) You must establish a minimum hourly rolling average limit as the average of the test run averages;

(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(3) *Maximum hazardous waste feedrate.* (i) You must establish limits on the maximum pumpable and total (i.e., pumpable and nonpumpable) hazardous waste feedrate for each location where hazardous waste is fed.

(ii) You must establish the limits as the average of the maximum hourly rolling averages for each run.

(iii) You must comply with the feedrate limit(s) on a hourly rolling average basis;

(4) *Operation of waste firing system.* You must specify operating parameters and limits to ensure that good operation of each hazardous waste firing system is maintained.

(k) *Dioxins and furans.* You must comply with the dioxin and furans emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Gas temperature at the inlet to a dry particulate matter control device.* (i) For hazardous waste burning incinerators and cement kilns, if the combustor is equipped with an electrostatic precipitator, baghouse (fabric filter), or other dry emissions control device where particulate matter is suspended in contact with combustion gas, you must establish a limit on the maximum temperature of the gas at the inlet to the device on an hourly rolling average. You must establish the hourly rolling average limit as the average of the test run averages.

(ii) For hazardous waste burning lightweight aggregate kilns, you must establish a limit on the maximum temperature of the gas at the exit of the (last) combustion chamber (or exit of any waste heat recovery system) on an hourly rolling average. The limit must be established as the average of the test run averages;

(2) *Minimum combustion chamber temperature.* (i) You must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the combustion zone. You must document the temperature measurement location in the test plan you submit under §§ 63.1207(e) and (f);

(ii) You must establish a minimum hourly rolling average limit as the average of the test run averages.

(3) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(4) *Maximum hazardous waste feedrate.* (i) You must establish limits on the maximum pumpable and total (pumpable and nonpumpable) hazardous waste feedrate for each location where waste is fed.

(ii) You must establish the limits as the average of the maximum hourly rolling averages for each run.

(iii) You must comply with the feedrate limit(s) on a hourly rolling average basis;

(5) *Particulate matter operating limit.* If your combustor is equipped with an activated carbon injection system, you must establish operating parameter limits on the particulate matter control device as specified by paragraph (m)(1) of this section;

(6) *Activated carbon injection parameter limits.* If your combustor is equipped with an activated carbon injection system:

(i) *Carbon feedrate.* You must establish a limit on minimum carbon injection rate on an hourly rolling average calculated as the average of the test run averages. If your carbon injection system injects carbon at more than one location, you must establish a carbon feedrate limit for each location.

(ii) *Carrier fluid.* You must establish a limit on minimum carrier fluid (gas or liquid) flowrate or pressure drop as an hourly rolling average based on the manufacturer's specifications. You must document the specifications in the test plan you submit under §§ 63.1207(e) and (f);

(iii) *Carbon specification.* (A) You must specify and use the brand (*i.e.*, manufacturer) and type of carbon used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect adsorption and establish limits on those parameters based on the carbon used in the performance test.

(B) You may substitute at any time a different brand or type of carbon provided that the replacement has equivalent or improved properties compared to the carbon used in the performance test and conforms to the key sorbent parameters you identify under paragraph (k)(6)(iii)(A) of this section. You must include in the operating record documentation that the substitute carbon will provide the same level of control as the original carbon.

(7) *Carbon bed parameter limits.* If your combustor is equipped with a carbon bed system:

(i) *Monitoring bed life.* You must:

(A) Monitor performance of the carbon bed consistent with manufacturer's specifications and recommendations to ensure the carbon bed (or bed segment for sources with multiple segments) has not reached the end of its useful life to minimize dioxin/furan and mercury emissions at least to the levels required by the emission standards;

(B) Document the monitoring procedures in the operation and maintenance plan;

(C) Record results of the performance monitoring in the operating record; and

(D) Replace the bed or bed segment before it has reached the end of its useful life to minimize dioxin/furan and mercury emissions at least to the levels required by the emission standards.

(ii) *Carbon specification.* (A) You must specify and use the brand (*i.e.*, manufacturer) and type of carbon used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect adsorption and establish limits on those parameters based on the carbon used in the performance test.

(B) You may substitute at any time a different brand or type of carbon provided that the replacement has equivalent or improved properties compared to the carbon used in the performance test. You must include in the operating record documentation that the substitute carbon will provide an equivalent or improved level of control as the original carbon.

(iii) *Maximum temperature.* You must measure the temperature of the carbon bed at either the bed inlet or exit and you must establish a maximum temperature limit on an hourly rolling average as the average of the test run averages.

(8) *Catalytic oxidizer parameter limits.* If your combustor is equipped with a catalytic oxidizer, you must establish limits on the following parameters:

(i) *Minimum flue gas temperature at the entrance of the catalyst.* You must establish a limit on minimum flue gas temperature at the entrance of the catalyst on an hourly rolling average as the average of the test run averages.

(ii) *Maximum time in-use.* You must replace a catalytic oxidizer with a new catalytic oxidizer when it has reached the maximum service time specified by the manufacturer.

(iii) *Catalyst replacement specifications.* When you replace a catalyst with a new one, the new catalyst must be equivalent to or better than the one used during the previous comprehensive test, as measured by:

(A) Catalytic metal loading for each metal;

(B) Space time, expressed in the units s-1, the maximum rated volumetric flow of combustion gas through the catalyst divided by the volume of the catalyst; and

(C) Substrate construction, including materials of construction, washcoat type, and pore density.

(iv) *Maximum flue gas temperature.* You must establish a maximum flue gas temperature limit at the entrance of the catalyst as an hourly rolling average, based on manufacturer's specifications.

(9) *Inhibitor feedrate parameter limits.* If you feed a dioxin/furan inhibitor into the combustion system, you must establish limits for the following parameters:

(i) *Minimum inhibitor feedrate.* You must establish a limit on minimum inhibitor feedrate on an hourly rolling average as the average of the test run averages.

(ii) *Inhibitor specifications.* (A) You must specify and use the brand (*i.e.*, manufacturer) and type of inhibitor used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect the effectiveness of the inhibitor and establish limits on those parameters based on the inhibitor used in the performance test.

(B) You may substitute at any time a different brand or type of inhibitor provided that the replacement has equivalent or improved properties compared to the inhibitor used in the performance test and conforms to the key parameters you identify under paragraph (k)(9)(ii)(A) of this section. You must include in the operating record documentation that the substitute inhibitor will provide the same level of control as the original inhibitor.

(l) *Mercury.* You must comply with the mercury emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Feedrate of total mercury.* You must establish a 12-hour rolling average limit for the total feedrate of mercury in all feedstreams as the average of the test run averages, unless mercury feedrate limits are extrapolated from performance test feedrate levels under the following provisions.

(i) You may request as part of the performance test plan under §§ 63.7(b) and (c) and §§ 63.1207(e) and (f) to use the mercury feedrates and associated emission rates during the comprehensive performance test to extrapolate to higher allowable feedrate limits and emission rates.

(ii) The extrapolation methodology will be reviewed and approved, as warranted, by the Administrator. The review will consider in particular whether:

(A) Performance test metal feedrates are appropriate (*i.e.*, whether feedrates are at least at normal levels: depending on the heterogeneity of the waste, whether some level of spiking would be appropriate, and whether the physical form and species of spiked material is appropriate); and

(B) Whether the extrapolated feedrates you request are warranted considering historical metal feedrate data.

(iii) The Administrator will review the performance test results in making a finding of compliance required by §§ 63.6(f)(3) and 63.1206(b)(3) to ensure that you have interpreted emission test results properly and that the extrapolation procedure is appropriate for your source.

(2) *Wet scrubber.* If your combustor is equipped with a wet scrubber, you must establish operating parameter limits prescribed by paragraph (o)(3) of this section, except for paragraph (o)(3)(iv).

(3) *Activated carbon injection.* If your combustor is equipped with an activated carbon injection system, you must establish operating parameter limits prescribed by paragraphs (k)(5) and (k)(6) of this section.

(4) *Activated carbon bed.* If your combustor is equipped with an activated carbon bed system, you must comply with the requirements of (k)(7) of this section to assure compliance with the mercury emission standard.

(m) *Particulate matter.* You must comply with the particulate matter emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Control device operating parameter limits (OPLs).* (i) *Wet scrubbers.* For sources equipped with wet scrubbers, including ionizing wet scrubbers, high energy wet scrubbers such as venturi, hydrosonic, collision, or free jet wet scrubbers, and low energy wet scrubbers such as spray towers, packed beds, or tray towers, you must establish limits on the following parameters:

Reference	Document, data, or information
1200(a), 63.10(b) and (c).	General. Information required to document and maintain compliance with the regulations of this Subpart EEE, including data recorded by continuous monitoring systems (CMS), and copies of all notifications, reports, plans, and other documents submitted to the Administrator.
63.1204(d)(1)(ii).....	Documentation of mode of operation changes for cement kilns with in-line raw mills.
63.1204(d)(2)(ii).....	Documentation of compliance with the emission averaging requirements for cement kilns and in-line raw mills.
63.1204(e)(2)(ii).....	Documentation of compliance with the emission averaging requirements for preheater or preheater/precalciner kilns with dual stacks.
63.1206(b)(1)(ii)	If you elect to comply with all applicable requirements and standards promulgated under authority of the Clean Air Act, including Sections 112 and 129, in lieu of the requirements of Subpart EEE when not burning hazardous waste, you must document in the operating record that you are in compliance with those requirements.
63.1206(c)(2).....	Startup, shutdown, and malfunction plan.
63.1206(c)(2)(v)(A).....	Documentation of you investigation and evaluation of excessive exceedances during malfunctions.
63.1206(c)(3)(v).....	Corrective measures for any automatic waste feed cutoff that results in an exceedance of an emission standard or operating parameter limit.
63.1206(c)(3)(vii).....	Documentation and results of the automatic waste feed cutoff operability testing.
63.1206(c)(4)(ii).....	Emergency safety vent operating plan.
63.1206(c)(4)(iii).....	Corrective measures for any emergency safety vent opening.
63.1206(c)(5)(ii).....	Method used for control of combustion system leaks.
63.1206(c)(6).....	Operator training and certification program.
63.1206(c)(7)(i)(D).....	Operation and maintenance plan.
63.1209(c)(2).....	Feedstream analysis plan.
63.1209(k)(6)(iii), 63.1209(k)(7)(ii), 63.1209(k)(9)(ii), 63.1209(o)(4)(iii).	Documentation that a substitute activated carbon, dioxin/furan formation reaction inhibitor, or dry scrubber sorbent will provide the same level of control as the original material.
63.1209(k)(7)(i)(C)	Results of carbon bed performance monitoring
63.1209(q)	Documentation of changes in modes of operation
63.1211(c).....	Documentation of compliance.

(c) Documentation of compliance.

(1) By the compliance date, you must develop and include in the operating record a Documentation of Compliance.

(2) The Documentation of Compliance must identify the applicable emission standards under this subpart and the limits on the operating parameters under § 63.1209 that will ensure compliance with those emission standards.

(3) You must include a signed and dated certification in the Documentation of Compliance that:

63.1207(l)(3).....	After failure of a performance test, you may request to burn hazardous waste for more than 720 hours and for purposes other than testing or pretesting.
63.1209(a)(5), 63.8(f).....	You may request: (1) approval of alternative monitoring methods for compliance with standards that are monitored with a CEMS; and (2) approval to use a CEMS in lieu of operating parameter limits.
63.1209(g)(1).....	You may request approval of: (1) alternative monitoring methods, except for standards that you must monitor with a continuous emission monitoring system (CEMS) and except for requests to use a CEMS in lieu of operating parameter limits; or (2) a waiver of an operating parameter limit.
63.1209(l)(1).....	You may request to extrapolate mercury feedrate limits.
63.1209(n)(2)(ii).....	You may request to extrapolate semivolatile and low volatile metal feedrate limits.
63.1211(d).....	You may request to use data compression techniques to record data on a less frequent basis than required by §63.1209.

(b) Notification of compliance.

(1) The Notification of Compliance status requirements of § 63.9(h) apply, except that:

(i) The notification is a Notification of Compliance, rather than compliance status;

(ii) The notification is required for the initial comprehensive performance test and each subsequent comprehensive and confirmatory performance test; and

(iii) You must postmark the notification before the close of business on the 90th day following completion of relevant compliance demonstration activity specified in this subpart rather than the 60th day as required by § 63.9(h)(2)(ii).

(2) Upon postmark of the Notification of Compliance, the operating parameter limits identified in the Notification of Compliance, as applicable, shall be complied with, the limits identified in the Documentation of Compliance or a previous Notification of Compliance are no longer applicable.

(3) The Notification of Compliance requirements of § 63.1207(j) also apply.

§ 63.1211 What are the recordkeeping and reporting requirements?

(a) Summary of reporting requirements. You must submit the following reports to the Administrator:

Reference	Report
63.10(d)(4).....	Compliance progress reports, if required as a condition of an extension of the compliance date granted under § 63.6(i).
63.10(d)(5)(i).....	Periodic startup, shutdown, and malfunction reports.
63.10(d)(5)(ii).....	Immediate startup, shutdown, and malfunction reports.
63.10(e)(3).....	Excessive emissions and continuous monitoring system performance report and summary report.
63.1206(c)(2)(ii)(B).....	Startup, Shutdown, and Malfunction plan.
63.1206(c)(3)(vi).....	Excessive exceedances reports.
63.1206(c)(4)(iv).....	Emergency safety vent opening reports.

(b) Summary of recordkeeping requirements. You must retain the following in the operating record:

63.1206(b)(4), 63.1213, 3.6(i), 63.9(c).	You may request an extension of the compliance date for up to one year.
206(b)(5)(i)(C).....	You may request to burn hazardous waste for more than 720 hours and for purposes other than testing or pretesting after amaking a change in the design or operation that could affect compliance with emission standards and prior to submitting a revised Notification of Compliance.
63.1206(b)(8)(iii)(B).....	If you elect to conduct particulate matter CEMS correlation testing and wish to have federal particulate matter and opacity standards and associated operating limits waived during the testing, you must notify the Administrator by submitting the correlation test plan for review and approval.
63.1206b(8)(v)	You may request approval to have the particulate matter and opacity standards and associated operating limits and conditions waived for more than 96 hours for a correction test.
63.1206(b)(9).....	Owners and operators of lightweight aggregate kilns may request approval of alternative emission standards for mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas under certain conditions.
63.1206(b)(10).....	Owners and operators of cement kilns may request approval of alternative emission standards for mercury, semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas under certain conditions.
63.1206(b)(14).....	Owners and operators of incinerators may comply with an alternative particulate matter standard.
63.1206(b)(15)	Owners and Operators of cement and lightweight aggregate kilns may request to comply with the interim standards for mercury.
63.1206(c)(2)(ii)(C)	You may request to make changes to the startup, shutdown, and malfunction plan.
3.1206(c)(5)(i)(C).....	You may request an alternative means of control to provide control of combustion system leaks.
1206(c)(5)(i)(C)	You may request an alternative means of control to provide control of combustion system leaks.
63.1206(c)(5)(i)(D)	You may request other techniques to prevent fugitive emissions without use of instantaneous pressure limits.
63.1207(c)(2)	You may request to base initial compliance on the date in lieu of the comprehensive performance test.
63.1207(d)(3)	You may request more than 60 days to complete a performance test if additional time is needed for reasons beyond your control.
63.1207(e)(3), 63.7(h)	You may request a time extension if the Administrator fails to approve or deny your test plan.
63.1207(h)(2)	You may request to waive current operating parameter limits during pretesting and for more than 720 hours.
63.1207(f)(1)(ii)(D)	You may request a reduced hazardous waste feedstream analysis for organic hazardous air pollutants if the reduced analysis continues to be representative of organic hazardous air pollutants in your hazardous waste feedstreams.
63.1207(g)(2)(v)	You may request to operate under a wider operating range for a parameter during confirmatory performance testing.
63.1207(i).....	You may request up to a one-year time extension for conducting a performance test (other than the initial comprehensive performance test) to consolidate testing with other state or federally-required testing.
63.1207(j)(4).....	You may request more than 90 days to submit a Notification of Compliance after completing a performance test if additional time is needed for reasons beyond your control.

(A) Rolling averages must be calculated as the average of the available one-minute values for the parameter until enough one-minute values are available to calculate hourly or 12-hour rolling averages, whichever is applicable to the parameter.

(B) You may not transition to a new mode of operation using this approach if the most recent operation in that mode resulted in an exceedance of an applicable emission standard measured with a CEMS or operating parameter limit prior to the hazardous waste residence time expiring; or

(iii) *Seamless transition.* Continue calculating rolling averages using data from the previous operating mode provided that both the operating limit and the averaging period for the parameter are the same for both modes of operation.

NOTIFICATION, REPORTING AND RECORDKEEPING

§ 63.1210 What are the notification requirements?

(a) Summary of requirements.

(1) You must submit the following notifications to the Administrator:

Reference	Notification
63.9(b).....	Initial notifications that you are subject to Subpart EEE of this Part.
63.9(d).....	Notification that you are subject to special compliance requirements.
63.9(j).....	Notification and documentation of any change in information already provided under § 63.9.
63.1206(b)(5)(i).....	Notification of changes in design, operation, or maintenance.
63.1207(e), 63.9(e), 63.9(g)(1) and (3).	Notification of performance test and continuous monitoring system evaluation, including the performance test plan and CMS performance evaluation plan.[1]
63.1210(b), 63.1207(j), 63.1207(k), 63.1207(l) 63.9(h), 63.10(d)(2), 63.10(e)(2).	Notification of compliance, including results of performance tests and continuous monitoring system performance evaluations

[1]You may also be required on a case-by-case basis to submit a feedstream analysis plan under 63.1209(c)(3).

(2) You must submit the following notifications to the Administrator if you request or elect to comply with alternative requirements:

Reference	Notification, request, petition, or application
63.9(i).....	You may request an adjustment to time periods or postmark deadlines for submittal and review of required information.
63.10(e)(3)(ii).....	You may request to reduce the frequency of excess emissions and CMS performance reports.
63.10(f).....	You may request to waive recordkeeping or reporting requirements.
63.1204(d)(2)(iii).....	Notification that you elect to comply with the emission averaging requirements for cement kilns with in-line raw mills.
63.1204(e)(2)(iii).....	Notification that you elect to comply with the emission averaging requirements for preheater or preheater/precalciner kilns with dual stacks.

of the test run averages. If you establish limits on maximum flue gas flowrate under this paragraph, you need not establish a limit on maximum flue gas flowrate under paragraph (o)(2) of this section; and

(vi) Reserved

(4) *Dry scrubber.* If your combustor is equipped with a dry scrubber, you must establish the following operating parameter limits:

(i) *Minimum sorbent feedrate.* You must establish a limit on minimum sorbent feedrate on an hourly rolling average as the average of the test run averages.

(ii) *Minimum carrier fluid flowrate or nozzle pressure drop.* You must establish a limit on minimum carrier fluid (gas or liquid) flowrate or nozzle pressure drop based on manufacturer's specifications.

(iii) *Sorbent specifications.* (A) You must specify and use the brand (*i.e.*, manufacturer) and type of sorbent used during the comprehensive performance test until a subsequent comprehensive performance test is conducted, unless you document in the site-specific performance test plan required under §§ 63.1207(e) and (f) key parameters that affect adsorption and establish limits on those parameters based on the sorbent used in the performance test.

(B) You may substitute at any time a different brand or type of sorbent provided that the replacement has equivalent or improved properties compared to the sorbent used in the performance test and conforms to the key sorbent parameters you identify under paragraph (o)(4)(iii)(A) of this section. You must record in the operating record documentation that the substitute sorbent will provide the same level of control as the original sorbent.

(p) Maximum combustion chamber pressure. If you comply with the requirements for combustion system leaks under Sec. 63.1206(c)(5) by maintaining the maximum combustion chamber zone pressure lower than ambient pressure to prevent combustion systems leaks from hazardous waste combustion, you must perform stantaneous monitoring of pressure and the automatic waste feed cutoff system must be engaged when gative pressure is not adequately maintained.

(q) *Operating under different modes of operation.* If you operate under different modes of operation, you must establish operating parameter limits for each mode. You must document in the operating record when you change a mode of operation and begin complying with the operating limits for an alternative mode of operation.

(1) *Operating under otherwise applicable standards after the hazardous waste residence time has transpired.* As provided by § 63.1206(b)(1)(ii), you may operate under otherwise applicable requirements promulgated under sections 112 and 129 of the Clean Air Act in lieu of the substantive requirements of this subpart.

(i) The otherwise applicable requirements promulgated under sections 112 and 129 of the Clean Air Act are applicable requirements under this subpart.

(ii) You must specify (e.g., by reference) the otherwise applicable requirements as a mode of operation in your Documentation of Compliance under § 63.1211(c), your Notification of Compliance under § 63.1207(j), and your title V permit application. These requirements include the otherwise applicable requirements governing emission standards, monitoring and compliance, and notification, reporting, and recordkeeping.

(2) *Calculating rolling averages under different modes of operation.* When you transition to a different mode of operation, you must calculate rolling averages as follows:

(i) *Retrieval approach.* Calculate rolling averages anew using the continuous monitoring system values previously recorded for that mode of operation (i.e., you ignore continuous monitoring system values subsequently recorded under other modes of operation when you transition back to a mode of operation); or

(ii) *Start anew.* Calculate rolling averages anew without considering previous recordings.

(ii) *Feedrate extrapolation.* (A) You may request as part of the performance test plan under §§ 63.7(b) and (c) and §§ 63.1207(e) and (f) to use the semivolatile metal and low volatile metal feedrates and associated emission rates during the comprehensive performance test to extrapolate to higher allowable feedrate limits and emission rates.

(B) The extrapolation methodology will be reviewed and approved, as warranted, by the Administrator. The review will consider in particular whether:

(*1*) Performance test metal feedrates are appropriate (*i.e.*, whether feedrates are at least at normal levels; depending on the heterogeneity of the waste, whether some level of spiking would be appropriate; and whether the physical form and species of spiked material is appropriate); and

(2) Whether the extrapolated feedrates you request are warranted considering historical metal feedrate data.

(C) The Administrator will review the performance test results in making a finding of compliance required by §§ 63.6(f)(3) and 63.1206(b)(3) to ensure that you have interpreted emission test results properly and that the extrapolation procedure is appropriate for your source.

(3) *Control device operating parameter limits (OPLs).* You must establish operating parameter limits on the particulate matter control device as specified by paragraph (m)(1) of this section;

(4) *Maximum total chlorine and chloride feedrate.* You must establish a 12-hour rolling average limit for the feedrate of total chlorine and chloride in all feedstreams as the average of the test run averages.

(5) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis.

(o) *Hydrochloric acid and chlorine gas.* You must comply with the hydrogen chloride and chlorine gas emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Feedrate of total chlorine and chloride.* You must establish a 12-hour rolling average limit for the total feedrate of chlorine (organic and inorganic) in all feedstreams as the average of the test run averages.

(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(3) *Wet scrubber.* If your combustor is equipped with a wet scrubber:

(i) If your source is equipped with a high energy wet scrubber such as a venturi, hydrosonic, collision, or free jet wet scrubber, you must establish a limit on minimum pressure drop across the wet scrubber on an hourly rolling average as the average of the test run averages;

(ii) If your source is equipped with a low energy wet scrubber such as a spray tower, packed bed, or tray tower, you must establish a minimum pressure drop across the wet scrubber based on manufacturer's specifications. You must comply with the limit on an hourly rolling average;

(iii) If your source is equipped with a low energy wet scrubber, you must establish a limit on minimum liquid feed pressure to the wet scrubber based on manufacturer's specifications. You must comply with the limit on an hourly rolling average;

(iv) You must establish a limit on minimum pH on an hourly rolling average as the average of the test run averages;

(v) You must establish limits on either the minimum liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average as the average

device can operate and still continuously achieve the same operating conditions as during the performance test.

(*4*) You must prepare written documentation to support the operating parameter limits established for the control device and you must include this documentation in the performance test plan that you submit for review and approval. This documentation must include a description for each selected parameter and the operating range and monitoring frequency required to ensure the control device is being properly operated and maintained.

(B) You must install, calibrate, operate, and maintain a monitoring device equipped with a recorder to measure the values for each operating parameter selected in accordance with the requirements of paragraph (m)(1)(iv)(A)(*1*) of this section. You must install, calibrate, and maintain the monitoring equipment in accordance with the equipment manufacturer's specifications. The recorder must record the detector responses at least every 60 seconds, as required in the definition of continuous monitor.

(C) You must regularly inspect the data recorded by the operating parameter monitoring system at a sufficient frequency to ensure the control device is operating properly. An excursion is determined to have occurred any time that the actual value of a selected operating parameter is less than the minimum operating limit (or, if applicable, greater than the maximum operating limit) established for the parameter in accordance with the requirements of paragraph (m)(1)(iv)(A)(3) of this section.

(D) Operating parameters selected in accordance with paragraph (m)(1)(iv) of this section may be based on manufacturer specifications provided you support the use of manufacturer specifications in the performance test plan that you submit for review and approval.

(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the maximum production rate, or other parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.

(ii) You must comply with this limit on a hourly rolling average basis;

(3) *Maximum ash feedrate.* Owners and operators of hazardous waste incinerators must establish a maximum ash feedrate limit as a 12-hour rolling average based on the average of the test run averages.

(n) *Semivolatile metals and low volatility metals.* You must comply with the semivolatile metal (cadmium and lead) and low volatile metal (arsenic, beryllium, and chromium) emission standards by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.

(1) *Maximum inlet temperature to dry particulate matter air pollution control device.* You must establish a limit on the maximum inlet temperature to the primary dry metals emissions control device (*e.g.*, electrostatic precipitator, baghouse) on an hourly rolling average basis as the average of the test run averages.

(2) *Maximum feedrate of semivolatile and low volatile metals.* (i) *General.* You must establish feedrate limits for semivolatile metals (cadmium and lead) and low volatile metals (arsenic, beryllium, and chromium) as follows, except as provided by paragraph (n)(2)(ii) of this section:

(A) You must establish a 12-hour rolling average limit for the feedrate of cadmium and lead, combined, in all feedstreams as the average of the test run averages;

(B) You must establish a 12-hour rolling average limit for the feedrate of arsenic, beryllium, and chromium, combined, in all feedstreams as the average of the test run averages; and

(C) You must establish a 12-hour rolling average limit for the feedrate of arsenic, beryllium, and chromium, combined, in all pumpable feedstreams as the average of the test run averages. Dual feedrate limits for both pumpable and total feedstreams are not required, however, if you base the total feedrate limit solely on the feedrate of pumpable feedstreams.

(A) For high energy scrubbers only, minimum pressure drop across the wet scrubber on an hourly rolling average, established as the average of the test run averages;

(B) For all wet scrubbers:

(*1*) To ensure that the solids content of the scrubber liquid does not exceed levels during the performance test, you must either:

(*i*) Establish a limit on solids content of the scrubber liquid using a CMS or by manual sampling and analysis. If you elect to monitor solids content manually, you must sample and analyze the scrubber liquid hourly unless you support an alternative monitoring frequency in the performance test plan that you submit for review and approval; or

(*ii*) Establish a minimum blowdown rate using a CMS and either a minimum scrubber tank volume or liquid level using a CMS.

(*2*) For maximum solids content monitored with a CMS, you must establish a limit on a twelve-hour rolling average as the average of the test run averages.

(*3*) For maximum solids content measured manually, you must establish an hourly limit, as measured at least once per hour, unless you support an alternative monitoring frequency in the performance test plan that you submit for review and approval. You must establish the maximum hourly limit as the average of the manual measurement averages for each run.

(*4*) For minimum blowdown rate and either a minimum scrubber tank volume or liquid level using a CMS, you must establish a limit on an hourly rolling average as the average of the test run averages.

(C) For high energy wet scrubbers only, you must establish limits on either the minimum liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average. If you establish limits on maximum flue gas flowrate under this paragraph, you need not establish a limit on maximum flue gas flowrate under paragraph (m)(2) of this section. You must establish these hourly rolling average limits as the average of the test run averages; and

(D) You must establish limits on minimum power input for ionizing wet scrubbers on an hourly rolling average as the average of the test run averages.

(ii)-(iii) [Reserved]

(iv) *Other particulate matter control devices.* For each control device that is not a high energy or ionizing wet scrubber, baghouse, or electrostatic precipitator but is operated to comply with the particulate matter emission standards of this subpart, you must ensure that the control device is properly operated and maintained as required by § 63.1206(c)(7) and by monitoring the operation of the control device as follows:

(A) During each comprehensive performance test conducted to demonstrate compliance with the particulate matter emissions standard, you must establish a range of operating values for the control device that is a representative and reliable indicator that the control device is operating within the same range of conditions as during the performance test. You must establish this range of operating values as follows:

(*1*) You must select a set of operating parameters appropriate for the control device design that you determine to be a representative and reliable indicator of the control device performance.

(*2*) You must measure and record values for each of the selected operating parameters during each test run of the performance test. A value for each selected parameter must be recorded using a continuous monitor.

(*3*) For each selected operating parameter measured in accordance with the requirements of paragraph (m)(1)(iv)(A)(*1*) of this section, you must establish a minimum operating parameter limit or a maximum operating parameter limit, as appropriate for the parameter, to define the operating limits within which the control

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 Sec. 63.90, and as required in this subpart.

Appendix to Subpart EEE of Part 63--Quality Assurance Procedures for Continuous Emissions Monitors Used for Hazardous Waste Combustors

1. Applicability and Principle

1.1 Applicability. These quality assurance requirements are used to evaluate the effectiveness of quality control (QC) and quality assurance (QA) procedures and the quality of data produced by continuous emission monitoring systems (CEMS) that are used for determining compliance with the emission standards on a continuous basis as specified in the applicable regulation. The QA procedures specified by these requirements represent the minimum requirements necessary for the control and assessment of the quality of CEMS data used to demonstrate compliance with the emission standards provided under this subpart EEE of part 63. Owners and operators must meet these minimum requirements and are encouraged to develop and implement a more extensive QA program. These requirements supersede those found in part 60, Appendix F, of this chapter. Appendix F does not apply to hazardous waste-burning devices.

1.2 Principle. The QA procedures consist of two distinct and equally important functions. One function is the assessment of the quality of the CEMS data by estimating accuracy. The other function is the control and improvement of the quality of the CEMS data by implementing QC policies and corrective actions. These two functions form a control loop. When the assessment function indicates that the data quality is inadequate, the source must immediately stop burning hazardous waste. The CEM data control effort must be increased until the data quality is acceptable before hazardous waste burning can resume.

a. In order to provide uniformity in the assessment and reporting of data quality, this procedure explicitly specifies the assessment methods for response drift and accuracy. The methods are based on procedures included in the applicable performance specifications provided in appendix B to part 60 of this chapter. These procedures also require the analysis of the EPA audit samples concurrent with certain reference method (RM) analyses as specified in the applicable RM's.

b. Because the control and corrective action function encompasses a variety of policies, specifications, standards, and corrective measures, this procedure treats QC requirements in general terms to allow each source owner or operator to develop a QC system that is most effective and efficient for the circumstances.

2. Definitions

2.1 Continuous Emission Monitoring System (CEMS). The total equipment required for the determination of a pollutant concentration. The system consists of the following major subsystems:

2.1.1 Sample Interface. That portion of the CEMS used for one or more of the following: sample acquisition, sample transport, and sample conditioning, or protection of the monitor from the effects of the stack effluent.

2.1.2 Pollutant Analyzer. That portion of the CEMS that senses the pollutant concentration and generates a proportional output.

2.1.3 Diluent Analyzer. That portion of the CEMS that senses the diluent gas (O2) and generates an output proportional to the gas concentration.

2.1.4 Data Recorder. That portion of the CEMS that provides a permanent record of the analyzer output. The data recorder may provide automatic data reduction and CEMS control capabilities.

2.2 Relative Accuracy (RA). The absolute mean difference between the pollutant concentration determined by the CEMS and the value determined by the reference method (RM) plus the 2.5 percent error confidence coefficient of a series of test divided by the mean of the RM tests or the applicable emission limit.

2.3 Calibration Drift (CD). The difference in the CEMS output readings from the established reference value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

2.4 Zero Drift (ZD). The difference in CEMS output readings at the zero pollutant level after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

2.5 Calibration Standard. Calibration standards produce a known and unchanging response when presented to the pollutant analyzer portion of the CEMS, and are used to calibrate the drift or response of the analyzer.

2.6 Relative Accuracy Test Audit (RATA). Comparison of CEMS measurements to reference method measurements in order to evaluate relative accuracy following procedures and specification given in the appropriate performance specification.

2.7 Absolute Calibration Audit (ACA). Equivalent to calibration error (CE) test defined in the appropriate performance specification using NIST traceable calibration standards to challenge the CEMS and assess accuracy.

2.8 Rolling Average. The average emissions, based on some (specified) time period, calculated every minute from a one-minute average of four measurements taken at 15-second intervals.

3. QA/QC Requirements

3.1 QC Requirements.

a. Each owner or operator must develop and implement a QC program. At a minimum, each QC program must include written procedures describing in detail complete, step-by-step procedures and operations for the following activities.

1. Checks for component failures, leaks, and other abnormal conditions.
2. Calibration of CEMS.
3. CD determination and adjustment of CEMS.
4. Integration of CEMS with the automatic waste feed cutoff (AWFCO) system.
5. Preventive Maintenance of CEMS (including spare parts inventory).
6. Data recording, calculations, and reporting.
7. Checks of record keeping.
8. Accuracy audit procedures, including sampling and analysis methods.
9. Program of corrective action for malfunctioning CEMS.
10. Operator training and certification.
11. Maintaining and ensuring current certification or naming of cylinder gasses, metal solutions, and particulate samples used for audit and accuracy tests, daily checks, and calibrations.

b. Whenever excessive inaccuracies occur for two consecutive quarters, the current written procedures must be revised or the CEMS modified or replaced to correct the deficiency causing the excessive inaccuracies. These written procedures must be kept on record and available for inspection by the enforcement agency.

3.2 QA Requirements. Each source owner or operator must develop and implement a QA plan that includes, at a minimum, the following.

1. QA responsibilities (including maintaining records, preparing reports, reviewing reports).
2. Schedules for the daily checks, periodic audits, and preventive maintenance.
3. Check lists and data sheets.
4. Preventive maintenance procedures.
5. Description of the media, format, and location of all records and reports.
6. Provisions for a review of the CEMS data at least once a year. Based on the results of the review, the owner or operator must revise or update the QA plan, if necessary.

4. CD and ZD Assessment and Daily System Audit

4.1 CD and ZD Requirement. Owners and operators must check, record, and quantify the ZD and the CD least once daily (approximately 24 hours) in accordance with the method prescribed by the manufacturer. e CEMS calibration must, at a minimum, be adjusted whenever the daily ZD or CD exceeds the limits in Performance Specifications. If, on any given ZD and/or CD check the ZD and/or CD exceed(s) two times the limits in the Performance Specifications, or if the cumulative adjustment to the ZD and/or CD (see Section 4.2) exceed(s) three times the limits in the Performance Specifications, hazardous waste burning must immediately cease and the CEMS must be serviced and recalibrated. Hazardous waste burning cannot resume until the owner or operator documents that the CEMS is in compliance with the Performance Specifications by carrying out an ACA.

4.2 Recording Requirements for Automatic ZD and CD Adjusting Monitors. Monitors that automatically adjust the data to the corrected calibration values must record the unadjusted concentration measurement prior to resetting the calibration, if performed, or record the amount of the adjustment.

4.3 Daily System Audit. The audit must include a review of the calibration check data, an inspection of the recording system, an inspection of the control panel warning lights, and an inspection of the sample transport and interface system (e.g., flowmeters, filters, etc.) as appropriate.

4.4 Data Recording and Reporting. All measurements from the CEMS must be retained in the operating record for at least 5 years.

5. Performance Evaluation for CO, O_2, and HC CEMS

Carbon Monoxide (CO), Oxygen (O_2), and Hydrocarbon (HC) CEMS. An Absolute Calibration Audit (ACA) must be conducted quarterly, and a Relative Accuracy Test Audit (RATA) (if applicable, see sections 5.1 and 5.2) must be conducted yearly. An Interference Response Tests must be performed whenever an ACA or a RATA is conducted. When a performance test is also required under § 63.1207 to document compliance with emission standards, the RATA must coincide with the performance st. The audits must be conducted as follows.

5.1 Relative Accuracy Test Audit (RATA). This requirement applies to O_2 and CO CEMS. The RATA st be conducted at least yearly. Conduct the RATA as described in the RA test procedure (or alternate procedures section) described in the applicable Performance Specifications. In addition, analyze the appropriate performance audit samples received from the EPA as described in the applicable sampling methods.

5.2 Absolute Calibration Audit (ACA). The ACA must be conducted at least quarterly except in a quarter when a RATA (if applicable, see section 5.1) is conducted instead. Conduct an ACA as described in the calibration error (CE) test procedure described in the applicable Performance Specifications.

5.3 Interference Response Test. The interference response test must be conducted whenever an ACA or RATA is conducted. Conduct an interference response test as described in the applicable Performance Specifications.

5.4 Excessive Audit Inaccuracy. If the RA from the RATA or the CE from the ACA exceeds the criteria in the applicable Performance Specifications, hazardous waste burning must cease immediately. Hazardous waste burning cannot resume until the owner or operator takes corrective measures and audit the CEMS with a RATA to document that the CEMS is operating within the specifications.

6. Other Requirements

6.1 Performance Specifications. CEMS used by owners and operators of HWCs must comply with the following performance specifications in appendix B to part 60 of this chapter:

Table I: Performance Specifications for CEMS

CEMS	Performance specification

Carbon monoxide	4B
Oxygen	4B
Total hydrocarbons	8A

6.2 Downtime due to Calibration. Facilities may continue to burn hazardous waste for a maximum of 20 minutes while calibrating the CEMS. If all CEMS are calibrated at once, the facility must have twenty minutes to calibrate all the CEMS. If CEMS are calibrated individually, the facility must have twenty minutes to calibrate each CEMS. If the CEMS are calibrated individually, other CEMS must be operational while the individual CEMS is being calibrated.

6.3 Span of the CEMS.

6.3.1 CO CEMS. The CO CEM must have two ranges, a low range with a span of 200 ppmv and a high range with a span of 3000 ppmv at an oxygen correction factor of 1. A one-range CEM may be used, but it must meet the performance specifications for the low range in the specified span of the low range.

6.3.2 O_2 CEMS. The O_2 CEM must have a span of 25 percent. The span may be higher than 25 percent if the O_2 concentration at the sampling point is greater than 25 percent.

6.3.3 HC CEMS. The HC CEM must have a span of 100 ppmv, expressed as propane, at an oxygen correction factor of 1.

6.3.4 CEMS Span Values. When the Oxygen Correction Factor is Greater than 2. When an owner or operator installs a CEMS at a location of high ambient air dilution, i.e., where the maximum oxygen correction factor as determined by the permitting agency is greater than 2, the owner or operator must install a CEM with a lower span(s), proportionate to the larger oxygen correction factor, than those specified above.

6.3.5 Use of Alternative Spans. Owner or operators may request approval to use alternative spans and ranges to those specified. Alternate spans must be approved in writing in advance by the Administrator. In considering approval of alternative spans and ranges, the Administrator will consider that measurements beyond the span will be recorded as values at the maximum span for purposes of calculating rolling averages.

6.3.6 Documentation of Span Values. The span value must be documented by the CEMS manufacturer with laboratory data.

6.4.1 Moisture Correction. Method 4 of appendix A, part 60 of this chapter, must be used to determine moisture content of the stack gasses.

6.4.2 Oxygen Correction Factor. Measured pollutant levels must be corrected for the amount of oxygen in the stack according to the following formula:

$$P_c = P_m \times 14/(E - Y)$$

Where:

P_c = concentration of the pollutant or standard corrected to 7 percent oxygen, dry basis;

P_m = measured concentration of the pollutant, dry basis;

E = volume fraction of oxygen in the combustion air fed into the device, on a dry basis (normally 21 percent or 0.21 if only air is fed);

Y = measured fraction of oxygen on a dry basis at the sampling point.

The oxygen correction factor is:

$$OCF = 14/(E - Y)$$

6.4.3 Temperature Correction. Correction values for temperature are obtainable from standard reference materials.

6.5 Rolling Average. A rolling average is the arithmetic average of all one-minute averages over the averaging period.

6.5.1 One-Minute Average for CO and HHC CEMS and Operating Parameter Limits. One-minute ›rages are the arithmetic average of the four most recent 15-second observations and must be calculated ›ng the following equation:

$$\bar{c} = \sum_{i=1}^{4} \frac{c_i}{4}$$

Where:

c = the one minute average
c_i = a fifteen-second observation from the CEM

Fifteen second observations must not be rounded or smoothed. Fifteen-second observations may be disregarded only as a result of a failure in the CEMS and allowed in the source's quality assurance plan at the time of the CEMS failure. One-minute averages must not be rounded, smoothed, or disregarded.

6.5.2 Ten Minute Rolling Average Equation. The ten minute rolling average must be calculated using the following equation:

$$C_{RA} = \sum_{i=1}^{10} \frac{\bar{c}_i}{10}$$

Where:

C_{RA} = The concentration of the standard, expressed as a rolling average
= a one minute average

6.5.3 Hourly Rolling Average Equation for CO and THC CEMS and Operating Parameter Limits. The rolling average, based on a specific number integer of hours, must be calculated using the following equation:

$$C_{RA} = \sum_{i=1}^{60} \frac{\bar{c}_i}{60}$$

Where:

C_{RA} = The concentration of the standard, expressed as a rolling average
c_i = a one minute average

6.5.4 Averaging Periods for CEMS other than CO and THC. The averaging period for CEMS other than CO and THC CEMS must be calculated as a rolling average of all one-hour values over the averaging period. An hourly average is comprised of 4 measurements taken at equally spaced time intervals, or at most every 15 minutes. Fewer than 4 measurements might be available within an hour for reasons such as facility downtime or CEMS calibration. If at least two measurements (30 minutes of data) are available, an hourly average must be calculated. The n-hour rolling average is calculated by averaging the n most recent hourly averages.

6.6 Units of the Standards for the Purposes of Recording and Reporting Emissions. Emissions must be recorded and reported expressed after correcting for oxygen, temperature, and moisture. Emissions must be reported in metric, but may also be reported in the English system of units, at 7 percent oxygen, 20 °C, and on dry basis.

6.7 Rounding and Significant Figures. Emissions must be rounded to two significant figures using ASTM procedure E-29-90 or its successor. Rounding must be avoided prior to rounding for the reported value.

7. Bibliography

1. 40 CFR Part 60, Appendix F, "Quality Assurance Procedures: Procedure 1. Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used For Compliance Determination".

Appendix B to Subpart EEE- Applicability to General Provisions to Subpart EEE

§ 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.

(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 section112(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 ceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, notification shall be postmarked on or before 15 days following the end of the event. The use of reliable ...l-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 § 63.9(i).

(13) [Reserved]

(14) [Reserved]

(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 § 63.10(b)(3).

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 § 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.

) [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.

§ 63.2 Definitions.

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

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

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

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

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

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

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

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in 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 fined in this part.

Commenced means, with respect to construction or reconstruction of an affected source, that an ner 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. nstruction does not include the removal of all equipment comprising an affected source from an existing ation 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 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 ›uld be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant ›dard(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 ›sponsible for the overall operation of one or more manufacturing, production, or operating facilities and er:

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

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

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

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

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

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

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

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

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

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

State means all non-Federal authorities, including local agencies, interstate associations, and State-›ide 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.

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

(a) System International (SI) units of measure:

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

(b) Other units of measure:

Btu = British thermal unit
°C = degree Celsius (centigrade)
cal = calorie

cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet
d = day
dcf = dry cubic feet
dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
°F = degree Fahrenheit
ft = feet
ft^2 = square feet
ft^3 = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent
g-mole = gram mole
hr = hour
in. = inch
in. 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
°R = degree Rankine
scf = cubic feet at standard conditions
scfh = cubic feet at standard conditions per hour
scm = cubic meter at standard conditions
scmm= cubic meter at standard conditions per minute
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd^2 = square yards
yr = year

(c) Miscellaneous:

act = actual
avg = average

I.D. = inside diameter
M = molar
N = normal
O.D. = outside diameter
% = percent

§ 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.

(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.

(2) [Reserved]

(3) After the effective date of any relevant standard promulgated by the Administrator under this part, person may, without obtaining written approval in advance from the Administrator in accordance with the cedures 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).

(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 st submit to the Administrator an application for approval of the construction or reconstruction. The lication must be submitted as soon as practicable before actual construction or reconstruction begins. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of § 63.9(b)(5). The owner or operator may submit the application for approval well in advance of the date actual construction or reconstruction begins in order to ensure a timely review by the Administrator and that the planned date to begin will not be delayed.

(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) 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 he 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 § 63.9(h) (see § 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 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 missions from the source; and

(D) Any economic or technical limitations on compliance with relevant standards that 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 resentation of additional information or arguments (if the application is complete), or within 60 calendar ys 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 fficient 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).

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

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

(i) The promulgated standard (that is, the relevant standard) is more stringent than the proposed standard; for purposes of this paragraph, a finding that controls or compliance methods are "more 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 § 63.9(d).

(6) [Reserved]

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

(c) *Compliance dates for existing sources.*

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

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

(3)–(4) [Reserved]

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

(d) [Reserved]

(e) *Operation and maintenance requirements.*

(1) (i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

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

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

(2) [Reserved]

(3) Startup, shutdown, and malfunction plan.

(i)The owner or operator of an affected source must develop and implement a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction, and a program of corrective action for malfunctioning process and air pollution control and monitoring equipment used to comply with the relevant standard.

(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 recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan for that event. In addition, the owner or operator must keep records of these events as specified in § 63.10(b), including records of the occurrence and duration of each startup, shutdown, or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in § 63.10(d)(5).

(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 Sec. 63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).

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

Administrator must request that the owner or operator submit a particular startup, shutdown, or malfunction plan (or a portion thereof) whenever a member of the public submits a specific and reasonable request to examine or to receive a copy of that plan or portion of a plan. The owner or operator may elect to submit the required copy of any startup, shutdown, and malfunction plan to the Administrator in an electronic format. If the owner or operator claims that any portion of such a startup, shutdown, and malfunction plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40 CFR 2.301, the material which is claimed as confidential must be clearly designated in the submission.

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

(vii) Based on the results of a determination made under paragraph (e)(1)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator must require appropriate revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

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

(B) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

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

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

Except that the performance test requirements of Sec. 63.1207 apply instead of Sec. 63.6(f)(2)(iii)(B).

(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 § 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.

(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) The performance test was appropriately quality-assured, as specified in § 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 applicable subpart, submit a proposed test plan or the results of testing and monitoring in accordance with § 63.7 and § 63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in § 63.7 and § 63.8.

(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 § 63.7(e); and

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

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

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

(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 § 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 § 63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of § 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 § 63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under § 63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under § 63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under § 63.7(b) of the date the subsequent performance test is scheduled to begin.

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

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

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

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

(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 § 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.*

Sec. 63.1213 specifies that the compliance date may also be extended for inability to install necessary emission control equipment by the compliance date because of implementation of pollution prevention or waste minimization controls.

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

(2) *Extension of compliance for early reductions and other reductions*

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

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

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

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

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

(C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B) of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator. This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the

installation of controls and that steps will be taken during the period of the extension to assure that the health persons will be protected from imminent endangerment. Any request for an extension of compliance with a evant standard under this paragraph must be submitted in writing to the Administrator not later than 90 endar 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;

(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 chnology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at t 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 nder paragraph (i)(10) of this section may be required to submit to the Administrator (or the State with an roved 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 mpliance at an earlier date than specified if any specification under paragraph (i)(10)(iii) or (iv) of this tion is not met. Upon a determination to terminate, the Administrator will notify, in writing, the owner or rator 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.

) *Applicability and performance test dates.*

ept Sec. 63.1207(e)(3) allows you to petition the Administrator under Sec. 63.7(h) to provide an extension of time to conduct a performance test.

(1) The applicability of this section is set out in § 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 § 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.*

Except Sec. 63.1207(e) requires you to submit the site-specific test plan for approval at least one year fore the comprehensive performance test is schedules to begin.

(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.*

Except Sec. 63.1207(e) requires you to submit the site-specific test plan (including the quality assurance provisions under Sec. 63.7(c)) for approval at least one year before the comprehensive performance test is scheduled to begin.

(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 ys after he/she is notified of the intended disapproval, additional information to the Administrator before al 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 plicable 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.*

Except for 63.1207 prescribes operations during performance testing and Sec. 63.1209 specifies operating limits that will be established during performance testing (such that testing is likely to be representative of the extreme range of normal performance.

(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) 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) (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 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 § 63.7(f).

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

(g) *Data analysis, recordkeeping, and reporting.*

Except Sec. 63.1207(j) requiring you submit the results of the performance test (and the notification of compliance) within 90 days of completing the test, unless the Administrator grants a time extension, applies instead of Sec. 63.7(g)(1).

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

(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.*

Except Sec. 63.1207(c)(2) allows data in lieu of the initial comprehensive performance test, and Sec. 63.1207(m) provides a waiver for of certain performance tests. You must submit requests for these waivers with the site-specific test plan.

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

(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 § 63.6(i)(8); or

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

§ 63.8 Monitoring requirements.

(a) *Applicability.*

(1) The applicability of this section is set out in § 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 ndards of this part are specified in § 63.11.

, 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) (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. owever, when one CMS is used as a backup to another CMS, the owner or operator shall report the results m the CMS used to meet the monitoring requirements of this part. If both such CMS are used during a ticular 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.

Except: (1) Sec. 63.1211(c) that requires you to install, calibrate, and operate CMS by the compliance date applies instead of Sec. 63.8(c)(3); and (2) the performance specifications for CO, HC, and O2 CEMS in subpart B, of this chapter requiring that the detectors measure the sample concentration at least once every 15 seconds for calculating an average emission level once every 60 seconds apply instead of Sec. 63.8(c)(4)(ii).

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

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

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

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

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

(7) (i) A CMS is out of control if -

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

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

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

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

(8) The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and

descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in § 63.10(e)(3).

Quality control program.

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

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

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

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

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

(iv) Data recording, calculations, and reporting;

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

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

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

(e) *Performance evaluation of continuous monitoring systems* -

{Except § 63.1207(e) requiring you to submit the site-specific comprehensive performance test plan and the CMS performance evaluation plan for approval at least one year prior to the planned test date applies instead of §§ 63.8(e)(2) and (3)(iii).}

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

(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 § 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 § 63.7 and described in § 63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under § 63.7 is conducted.

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

(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) 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 § 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 § 63.7, or other tests performed following the criteria in § 63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

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

(g) *Reduction of monitoring data.*

(1) (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 § 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 § 63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

§ 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) (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. **Section (63.9(b)(1)(ii) pertains to notification requirements for area sources that become a major source, and § 63.9(b)(2)(v) requires a major source determination. Although area sources are subject to all provisions of this subpart (Subpart EEE), these sections nonetheless apply because the major source determination may affect the applicability of part 63 standards or Title V permit requirements to other sources (i.e., other than a hazardous waste combustor) of hazardous air pollutants at the facility.**

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

(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 § 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 calendar days after that date.

(5) The owner or operator of a new or reconstructed affected source for which an application for proval 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.

) *Notification of performance test.* The owner or operator of an affected source shall notify the ministrator in writing of his or her intention to conduct a performance test at least 60 calendar ys before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under § 63.7(c), if requested by the Administrator, and to have an observer present during the test. **Except § 63.1207(e) which requires you to submit the comprehensive performance test plan for approval one year prior to the planned performance test date applies instead of § 63.9(e).**

(f) *Notification of opacity and visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in § 63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under § 63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place. **Sec. 63.9(f) applies if you are allowed under Sec. 63.1209(a)(1)(v) to use visible determination of opacity for compliance in lieu of a COMS.**

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

(2) **This provision does not apply**; and

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

(h) *Notification of compliance status.*

{Except § 63.1207(j) requiring you to submit the notification of compliance within 90 days of completing a performance test unless the Administrator grants a time extension applies instead of § 63.9(h)(2)(ii). Note: Even though area sources are subject to this subpart, the major source determination required by § 63..9(h)(2)(i)(E) is applicable to hazardous waste combustors for the reasons discussed above.}

(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 § 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of § 63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

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

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

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

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

~~(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a~~ particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

§ 63.10 Recordkeeping and reporting requirements.

{Except reports of performance test results required under § 63.10(d)(2) may be submitted up to 90 days after completion of the test.}

(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) 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 ions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or l manner of operation) when such actions are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see § 63.6(e)(3));

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

(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 MS 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 sections, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under § 63.8(f)(6); and

(xiv) All documentation supporting initial notifications and notifications of compliance status der § 63.9.

(3) *Recordkeeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under § 63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems.* In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of -

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2)–(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) The date and time identifying each period during which the CMS was out of control, as defined in § 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 § 63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in § 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) Not-withstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under § 63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under § 63.9(h).

(3) *Reporting results of opacity or visible emission observations.* The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under § 63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under § 63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

(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. 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* -

(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 § 63.8(e), simultaneously with the results of the performance test required under § 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 § 63.7 and described in § 63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under § 63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under § 63.7 is conducted.

(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].

(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports. Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in § 63.8(c)(7) and § 63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

(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 § 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 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.

This section is not applicable.

§ 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.

(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.

This section is not applicable.

§ 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.

(15) ASTM D4256-89, 94, Standard Test Method for Determination of the Decontaminability of atings 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 ct 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, d Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method C -- Spectrophotometric Method, IBR roved 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.

3.15 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.

Appendix E. 40 CFR 60 Subpart F

Subpart F—Standards of Performance for Portland Cement Plants

§ 60.60 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in portland cement plants: Kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

(b) Any facility under paragraph (a) of this section that commences construction or modification after August 17, 1971, is subject to the requirements of this subpart.

[42 FR 37936, July 25, 1977]

§ 60.61 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) *Portland cement plant* means any facility manufacturing portland cement by either the wet or dry process.

(b) *Bypass* means any system that prevents all or a portion of the kiln or clinker cooler exhaust gases from entering the main control device and ducts the gases through a separate control device. This does not include emergency systems designed to duct exhaust gases directly to the atmosphere in the event of a malfunction of any control device controlling kiln or clinker cooler emissions.

(c) *Bypass stack* means the stack that vents exhaust gases to the atmosphere from the bypass control device.

(d) *Monovent* means an exhaust configuration of a building or emission control device (e.g., positive-pressure fabric filter) that extends the length of the structure and has a width very small in relation to its length (i.e., length to width ratio is typically greater than 5:1). The exhaust may be an open vent with or without a roof, louvered vents, or a combination of such features.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 20793, June 13, 1974; 53 FR 50363, Dec. 14, 1988]

§ 60.62 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any kiln any gases which:

(1) Contain particulate matter in excess of 0.15 kg per metric ton of feed (dry basis) to the kiln (0.30 lb per ton).

(2) Exhibit greater than 20 percent opacity.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any clinker cooler any gases which:

(1) Contain particulate matter in excess of 0.050 kg per metric ton of feed (dry basis) to the kiln (0.10 lb per ton).

(2) Exhibit 10 percent opacity, or greater.

(c) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater.

[39 FR 20793, June 14, 1974, as amended at 39 FR 39874, Nov. 12, 1974; 40 FR 46258, Oct. 6, 1975]

§ 60.63 Monitoring of operations.

(a) The owner or operator of any portland cement plant subject to the provisions of this part shall record the daily production rates and kiln feed rates.

(b) Except as provided in paragraph (c) of this section, each owner or operator of a kiln or clinker cooler that is subject to the provisions of this subpart shall install, calibrate, maintain, and operate in accordance with § 60.13 a continuous opacity monitoring system to measure the opacity of emissions discharged into the atmosphere from any kiln or clinker cooler. Except as provided in paragraph (c) of this section, a continuous opacity monitoring system shall be installed on each stack of any multiple stack device controlling emissions from any kiln or clinker cooler. If there is a separate bypass installed, each owner or operator of a kiln or clinker cooler shall also install, calibrate, maintain, and operate a continuous opacity monitoring system on each bypass stack in addition to the main control device stack. Each owner or operator of an affected kiln or clinker cooler for which the performance test required under § 60.8 has been completed on or prior to December 14, 1988, shall install the continuous opacity monitoring system within 180 days after December 14, 1988.

(c) Each owner or operator of a kiln or clinker cooler subject to the provisions of this subpart using a positive-pressure fabric filter with multiple stacks, or a negative-pressure fabric filter with multiple stacks, or an electrostatic precipitator with multiple stacks may, in lieu of installing the continuous opacity monitoring system required by § 60.63(b), monitor visible emissions at least once per day by using a certified visible emissions observer. If the control device exhausts gases

through a monovent, visible emission observations in lieu of a continuous opacity monitoring system are required. These observations shall be taken in accordance with EPA Method 9. Visible emissions shall be observed during conditions representative of normal operation. Observations shall be recorded for at least three 6-minute periods each day. In the event that visible emissions are observed for a number of emission sites from the control device with multiple stacks, Method 9 observations shall be recorded for the emission site with the highest opacity. All records of visible emissions shall be maintained for a period of 2 years.

(d) For the purpose of reports under § 60.65, periods of excess emissions that shall be reported are defined as all 6-minute periods during which the average opacity exceeds that allowed by § 60.62(a)(2) or § 60.62(b)(2).

(e) The provisions of paragraphs (a), (b), and (c) of this section apply to kilns and clinker coolers for which construction, modification, or reconstruction commenced after August 17, 1971.

[36 FR 24877, Dec. 23, 1971, as amended at 53 FR 50363, Dec. 14, 1988]

§ 60.64 Test methods and procedures.

(a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standard in § 60.62 as follows:

(1) The emission rate (E) of particulate matter shall be computed for each run using the following equation:

$$E=(c_s Q_{sd})/(P K)$$

where:

E=emission rate of particulate matter, kg/metric ton (lb/ton) of kiln feed.

c_s=concentration of particulate matter, g/dscm (g/dscf).

Q_{sd}=volumetric flow rate of effluent gas, dscm/hr (dscf/hr).

P=total kiln feed (dry basis) rate, metric ton/hr (ton/hr).

K=conversion factor, 1000 g/kg (453.6 g/lb).

(2) Method 5 shall be used to determine the particulate matter concentration (c_s) and the volumetric flow rate (Q_{sd}) of the effluent gas.

The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30.0 dscf) for the kiln and at least 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

(3) Suitable methods shall be used to determine the kiln feed rate (P), except fuels, for each run. Material balance over the production system shall be used to confirm the feed rate.

(4) Method 9 and the procedures in § 60.11 shall be used to determine opacity.

[54 FR 6666, Feb. 14, 1989]

§ 60.65 Recordkeeping and reporting requirements.

(a) Each owner or operator required to install a continuous opacity monitoring system under § 60.63(b) shall submit reports of excess emissions as defined in § 60.63(d). The content of these reports must comply with the requirements in § 60.7(c). Notwithstanding the provisions of § 60.7(c), such reports shall be submitted semiannually.

(b) Each owner or operator monitoring visible emissions under § 60.63(c) shall submit semiannual reports of observed excess emissions as defined in § 60.63(d).

(c) Each owner or operator of facilities subject to the provisions of § 60.63(c) shall submit semiannual reports of the malfunction information required to be recorded by § 60.7(b). These reports shall include the frequency, duration, and cause of any incident resulting in deenergization of any device controlling kiln emissions or in the venting of emissions directly to the atmosphere.

(d) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Clean Air Act, 42 U.S.C. 7411, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected sources within the State will be relieved of the obligation to comply with this section, provided that they comply with the requirements established by the State.

[53 FR 50364, Dec. 14, 1988]

§ 60.66 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 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: No restrictions.

Appendix F. 40 CFR 60 Subpart Kb

Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

SOURCE: 52 FR 11429, Apr. 8, 1987, unless otherwise noted.

§ 60.110b Applicability and designation of affected facility.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 40 cubic meters (m^3) that is used to store volatile organic liquids (VOL's) for which construction, reconstruction, or modification is commenced after July 23, 1984.

(b) Except as specified in paragraphs (a) and (b) of § 60.116b, storage vessels with design capacity less than 75 m^3 are exempt from the General Provisions (part 60, subpart A) and from the provisions of this subpart.

(c) Except as specified in paragraphs (a) and (b) of § 60.116b, vessels either with a capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure less than 3.5 kPa or with a capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa are exempt from the General Provisions (part 60, subpart A) and from the provisions of this subpart.

(d) This subpart does not apply to the following:

(1) Vessels at coke oven by-product plants.

(2) Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere.

(3) Vessels permanently attached to mobile vehicles such as trucks, railcars, barges, or ships.

(4) Vessels with a design capacity less than or equal to 1,589.874 m^3 used for petroleum or condensate stored, processed, or treated prior to custody transfer.

(5) Vessels located at bulk gasoline plants.

(6) Storage vessels located at gasoline service stations.

(7) Vessels used to store beverage alcohol.

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989]

§ 60.111b Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this subpart as follows:

(a) *Bulk gasoline plant* means any gasoline distribution facility that has a gasoline throughput less than or equal to 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal requirement or Federal, State or local law, and discoverable by the Administrator and any other person.

(b) *Condensate* means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

(c) *Custody transfer* means the transfer of produced petroleum and/or condensate, after processing and/or treatment in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.

(d) *Fill* means the introduction of VOL into a storage vessel but not necessarily to complete capacity.

(e) *Gasoline service station* means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage tanks.

(f) *Maximum true vapor pressure* means the equilibrium partial pressure exerted by the stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOL's stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOL's stored at the ambient temperature, as determined:

(1) In accordance with methods described in American Petroleum institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks, (incorporated by reference—see § 60.17); or

(2) As obtained from standard reference texts; or

(3) As determined by ASTM Method D2879–83 (incorporated by reference—see § 60.17);

(4) Any other method approved by the Administrator.

(g) *Reid vapor pressure* means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases, as determined by ASTM D323–82 (incorporated by reference—see § 60.17).

(h) *Petroleum* means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(i) *Petroleum liquids* means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

(j) *Storage vessel* means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

(1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors; or

(2) Subsurface caverns or porous rock reservoirs.

(k) *Volatile organic liquid (VOL)* means any organic liquid which can emit volatile organic compounds into the atmosphere except those VOL's that emit only those compounds which the Administrator has determined do not contribute appreciably to the formation of ozone. These compounds are identified in EPA statements on ozone abatement policy for SIP revisions (42 FR 35314, 44 FR 32042, 45 FR 32424, and 45 FR 48941).

(l) *Waste* means any liquid resulting from industrial, commercial, mining or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989]

§ 60.112b Standard for volatile organic compounds (VOC).

(a) The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

(1) A fixed roof in combination with an internal floating roof meeting the following specifications:

(i) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(ii) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

(A) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

(B) 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.

(C) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(iii) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

(iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and roof drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

(v) Automatic bleeder vents shall be equipped with a gasket and 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.

(vi) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

(vii) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

(viii) 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.

(ix) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(2) An external floating roof. An external floating roof means a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof. Each external floating roof must meet the following specifications:

(i) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. 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.

(A) The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in § 60.113b(b)(4), the seal shall completely cover the annular space between the edge of the floating roof and tank wall.

(B) 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 except as allowed in § 60.113b(b)(4).

(ii) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. 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 that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. 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. Rim vents are to be set to open when the roof is being floated off the roof legs supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(iii) The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

(3) A closed vent system and control device meeting the following specifications:

(i) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in part 60, subpart VV, § 60.485(b).

(ii) The control device shall be designed and operated to reduce inlet VOC emissions 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 (§ 60.18) of the General Provisions.

(4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3) of this section as provided in § 60.114b of this subpart.

(b) The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m^3 which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:

(1) A closed vent system and control device as specified in § 60.112b(a)(3).

(2) A system equivalent to that described in paragraph (b)(1) as provided in § 60.114b of this subpart.

§ 60.113b Testing and procedures.

The owner or operator of each storage vessel as specified in § 60.112b(a) shall meet the requirements of paragraph (a), (b), or (c) of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of § 60.112b.

(a) After installing the control equipment required to meet § 60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

(2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in § 60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with a double-seal system as specified in § 60.112b(a)(1)(ii)(B):

(i) Visually inspect the vessel as specified in paragraph (a)(4) of this section at least every 5 years; or

(ii) Visually inspect the vessel as specified in paragraph (a)(2) of this section.

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal 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 surfaces 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 VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of this section.

(5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone 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 by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(b) After installing the control equipment required to meet §60.112b(a)(2) (external floating roof), the owner or operator shall:

(1) Determine the gap areas and maximum gap widths, between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel according to the following frequency.

(i) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

(ii) Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.

(iii) If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

(ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location.

(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 tank wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in paragraph (b)(4) of this section.

(4) Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in (b)(4) (i) and (ii) of this section:

(i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 Cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm.

(A) One end of the mechanical shoe is to extend into the stored liquid, and the other end is to extend a minimum vertical distance of 61 cm above the stored liquid surface.

(B) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(ii) The secondary seal is to meet the following requirements:

(A) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph (b)(2)(iii) of this section.

(B) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm^2 per meter of tank diameter, and the

width of any portion of any gap shall not exceed 1.27 cm.

(C) There are to be no holes, tears, or other openings in the seal or seal fabric.

(iii) If a failure that is detected during inspections required in paragraph (b)(1) of § 60.113b(b) cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in § 60.115b(b)(4). Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the Administrator 30 days in advance of any gap measurements required by paragraph (b)(1) of this section to afford the Administrator the opportunity to have an observer present.

(6) 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, 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 VOL.

(ii) For all the inspections required by paragraph (b)(6) of this section, the owner or operator shall notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Administrator the opportunity to inspect the storage vessel prior to refilling. If the inspection required by paragraph (b)(6) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone 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 by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(c) The owner or operator of each source that is equipped with a closed vent system and control device as required in § 60.112b (a)(3) or (b)(2) (other than a flare) is exempt from § 60.8 of the General Provisions and shall meet the following requirements.

(1) Submit for approval by the Administrator as an attachment to the notification required by § 60.7(a)(1) or, if the facility is exempt from § 60.7(a)(1), as an attachment to the notification required by § 60.7(a)(2), an operating plan containing the information listed below.

(i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 °C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.

(ii) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Administrator in accordance with paragraph (c)(1) of this section, unless the plan was modified by the Administrator during the review process. In this case, the modified plan applies.

(d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in § 60.112b (a)(3) or (b)(2) shall meet the requirements as specified in the general control device requirements, § 60.18 (e) and (f).

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989]

§ 60.114b Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in § 60.112b, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(b) Any notice under paragraph (a) of this section will be published only after notice and an opportunity for a hearing.

(c) Any person seeking permission under this section shall submit to the Administrator a written application including:

(1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.

(2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in § 60.112b.

§ 60.115b Reporting and recordkeeping requirements.

The owner or operator of each storage vessel as specified in § 60.112b(a) shall keep records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of § 60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment.

(a) After installing control equipment in accordance with § 60.112b(a)(1) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of § 60.112b(a)(1) and § 60.113b(a)(1). This report shall be an attachment to the notification required by § 60.7(a)(3).

(2) Keep a record of each inspection performed as required by § 60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

(3) If any of the conditions described in § 60.113b(a)(2) are detected during the annual visual inspection required by § 60.113b(a)(2), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(4) After each inspection required by § 60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in § 60.113b(a)(3)(ii), a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of § 61.112b(a)(1) or § 60.113b(a)(3) and list each repair made.

(b) After installing control equipment in accordance with § 61.112b(a)(2) (external floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of § 60.112b(a)(2) and § 60.113b(b)(2), (b)(3), and (b)(4). This report shall be an attachment to the notification required by § 60.7(a)(3).

(2) Within 60 days of performing the seal gap measurements required by § 60.113b(b)(1), furnish the Administrator with a report that contains:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in § 60.113b (b)(2) and (b)(3).

(3) Keep a record of each gap measurement performed as required by § 60.113b(b). Each record shall identify the storage vessel in which the measurement was performed and shall contain:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in § 60.113b (b)(2) and (b)(3).

(4) After each seal gap measurement that detects gaps exceeding the limitations specified by § 60.113b(b)(4), submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information specified in paragraph (b)(2) of this section and the date the vessel was emptied or the repairs made and date of repair.

(c) After installing control equipment in accordance with § 60.112b (a)(3) or (b)(1) (closed vent system and control device other than a flare), the owner or operator shall keep the following records.

(1) A copy of the operating plan.

(2) A record of the measured values of the parameters monitored in accordance with § 60.113b(c)(2).

(d) After installing a closed vent system and flare to comply with § 60.112b, the owner or operator shall meet the following requirements.

(1) A report containing the measurements required by § 60.18(f) (1), (2), (3), (4), (5), and (6) shall be furnished to the Administrator as required by § 60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.

(2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.

(3) Semiannual reports of all periods recorded under § 60.115b(d)(2) in which the pilot flame was absent shall be furnished to the Administrator.

§ 60.116b Monitoring of operations.

(a) The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section will be kept for the life of the source.

(b) The owner or operator of each storage vessel as specified in § 60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage vessel with a design capacity less than 75 m^3 is subject to no provision of this subpart other than those required by this paragraph.

(c) Except as provided in paragraphs (f) and (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

(d) Except as provided in paragraph (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor vapor pressure values for each volume range.

(e) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.

(1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

(2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:

(i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference—see § 60.17), unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa.

(3) For other liquids, the vapor pressure:

(i) May be obtained from standard reference texts, or

(ii) Determined by ASTM Method D2879–83 (incorporated by reference—see § 60.17); or

(iii) Measured by an appropriate method approved by the Administrator; or

(iv) Calculated by an appropriate method approved by the Administrator.

(f) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (e) of this section.

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in §60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:

(i) ASTM Method D2879–83 (incorporated by reference—see § 60.17); or

(ii) ASTM Method D323–82 (incorporated by reference—see §60.17); or

(iii) As measured by an appropriate method as approved by the Administrator.

(g) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of § 60.112b is exempt from the requirements of paragraphs (c) and (d) of this section.

§60.117b Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 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: §§60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).

[52 FR 11429, Apr. 8, 1987, as amended at 52 FR 22780, June 16, 1987]

Appendix G. 40 CFR 63 Subpart DD

Subpart DD—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

SOURCE: 61 FR 34158, July 1, 1996, unless otherwise noted.

§ 63.680 Applicability and designation of affected sources.

(a) The provisions of this subpart apply to the owner and operator of a plant site for which both of the conditions specified in paragraphs (a)(1) and (a)(2) of this section are applicable. If either one of these conditions does not apply to the plant site, then the owner and operator of the plant site are not subject to the provisions of this subpart.

(1) The plant site is a major source of hazardous air pollutant (HAP) emissions as defined in 40 CFR 63.2.

(2) At the plant site is located one or more of operations that receives off-site materials as specified in paragraph (b) of this section and the operations is one of the following waste management operations or recovery operations as specified in paragraphs (a)(2)(i) through (a)(2)(vi) of this section.

(i) A waste management operation that receives off-site material and the operation is regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under either 40 CFR part 264 or part 265.

(ii) A waste management operation that treats wastewater which is an off-site material and the operation is exempted from regulation as a hazardous waste treatment, storage, and disposal facility under 40 CFR 264.1(g)(6) or 40 CFR 265.1(c)(10).

(iii) A waste management operation that treats wastewater which is an off-site material and the operation meets both of the following conditions:

(A) The operation is subject to regulation under either section 402 or 307(b) of the Clean Water Act but is not owned by a "state" or "municipality" as defined by section 502(3) and 502(4), respectively, of the Clean Water Act; and

(B) The treatment of wastewater received from off-site is the predominant activity performed at the plant site.

(iv) A recovery operation that recycles or reprocesses hazardous waste which is an off-site material and the operation is exempted from regulation as a hazardous waste treatment, disposal, and storage facility under 40 CFR 264.1(g)(2) or 40 CFR 265.1(c)(6).

(v) A recovery operation that recycles or reprocesses used solvent which is an off-site material and the operation is not part of a chemical, petroleum, or other manufacturing process that is required to use air emission controls by another subpart of 40 CFR part 63.

(vi) A recovery operation that re-refines or reprocesses used oil which is an off-site material and the operation is regulated under 40 CFR 279 subpart F—Standards for Used Oil Processors and Refiners.

(b) For the purpose of implementing this subpart, an off-site material is a material that meets all of the criteria specified in paragraph (b)(1) of this section but is not one of the materials specified in paragraph (b)(2) of this section.

(1) An off-site material is a material that meets all of the criteria specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section. If any one of these criteria do not apply to the material, then the material is not an off-site material subject to this subpart.

(i) The material is a waste, used oil, or used solvent as defined in § 63.681 of this subpart;

(ii) The material is not produced or generated within the plant site, but the material is delivered, transferred, or otherwise moved to the plant site from a location outside the boundaries of the plant site; and

(iii) The material contains one or more of the hazardous air pollutants (HAP) listed in Table 1 of this subpart based on the composition of the material at the point-of-delivery, as defined in § 63.681 of this subpart.

(2) For the purpose of implementing this subpart, the following materials are not off-site materials:

(i) Household waste as defined in 40 CFR 258.2.

(ii) Radioactive mixed waste managed in accordance with all applicable regulations under Atomic Energy Act and Nuclear Waste Policy Act authorities.

(iii) Waste that is generated as a result of implementing remedial activities required under the Resource Conservation and Recovery Act (RCRA) corrective action authorities (RCRA sections 3004(u), 3004(v), or 3008(h)), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authorities, or similar Federal or State authorities.

(iv) Waste containing HAP that is generated by residential households (e.g., old paint, home garden pesticides) and subsequently is collected as a community service by government agencies, businesses, or other organizations for the purpose of promoting the proper disposal of this waste.

(v) Waste that is generated by or transferred from units complying with all applicable regulations under 40 CFR 63 subparts F and G—National Emission Standards for Organic Hazardous

Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

(vi) Waste that is generated by or transferred from units complying with all applicable requirements specified by § 61.342(b) under 40 CFR 61 subpart FF—National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year.

(vii) Ship ballast water pumped from a ship to an onshore wastewater treatment facility.

(c) For the purpose of implementing this subpart, the affected sources at a plant site subject to this subpart are as follows:

(1) Off-site material management units. The affected source is the group of tanks, containers, oil-water or organic-water separators, surface impoundments, and transfer systems used to manage off-site material in each of the waste management operations and recovery operations specified in paragraphs (a)(2)(i) through (a)(2)(vi) of this section that is located at the plant site.

(2) Process vents. The affected source is the group of process vents on units used to manage off-site material in each of the waste management operations and recovery operations specified in paragraphs (a)(2)(i) through (a)(2)(vi) of this section that is located at the plant site.

(3) Equipment leaks. The affected source is the group of equipment specified in § 63.683(b)(2)(i) through (b)(2)(iii) of this subpart that is used to handle off-site material in each of the waste management operations and recovery operations specified in paragraphs (a)(2)(i) through (a)(2)(vi) of this section that is located at the plant site.

(d) Owners and operators of plant sites at which are located affected sources subject to this subpart are exempted from the requirements of §§ 63.682 through 63.699 of this subpart in situations when the total annual quantity of the HAP that is contained in the off-site material received at the plant site is less than 1 megagram per year. This total annual HAP quantity for the off-site material shall be based on the total quantity of the HAP listed in Table 1 of this subpart as determined at the point-of-delivery for each off-site material stream. Documentation shall be prepared by the owner or operator and maintained at the plant site to support the initial determination of the total annual HAP quantity for the off-site material. The owner or operator shall perform a new determination when the extent of changes to the quantity or composition of the off-site material received at the plant site could cause the total annual HAP quantity in the off-site material to the exceed limit of 1 megagram per year.

(e) *Compliance dates*—(1) *Existing sources.* The owner or operator of an affected source that commenced construction or reconstruction before October 13, 1994, shall achieve compliance with the provisions of the subpart no later than July 1, 1999 unless an extension has been granted by the Administrator as provided in 40 CFR 63.6(i).

(2) *New sources.* The owner or operator of an affected source for which construction or reconstruction commences on or after October 13, 1994, shall achieve compliance with the provisions of this subpart by July 1, 1996 or upon initial startup of operations, whichever date is later as provided in 40 CFR 63.6(b). For the purpose of implementing this subpart, a waste management operation or recovery operation that commenced construction or reconstruction before October 13, 1994, and receives off-site material for the first time after July 1, 1999 is a new source, and the owner or operator of this affected source shall achieve compliance with the provisions of this subpart upon the first date that the waste management operation or recovery operation begins to manage the off-site material.

(f) The provisions of 40 CFR part 63, subpart A—General Provisions that apply and those that do not apply to this subpart are specified in Table 2 of this subpart.

§ 63.681 Definitions.

All terms used in this subpart shall have the meaning given to them in this section, 40 CFR 63.2 of this part, and the Act.

Boiler means an enclosed combustion device that extracts useful energy in the form of steam and is not an incinerator or a process heater.

Closed-vent system means a system that is not open to the atmosphere and is composed of hard-piping, ductwork, connections, and, if necessary, fans, blowers, or other flow-inducing devices that conveys gas or vapor from an emission point to a control device.

Closure device means a cap, hatch, lid, plug, seal, valve, or other type of fitting that prevents or reduces air pollutant emissions to the atmosphere by blocking an opening in a cover when the device is secured in the closed position. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

Container means a portable unit used to hold material. Examples of containers include but are not limited to drums, dumpsters, roll-off boxes, bulk cargo containers commonly known as "portable tanks" or "totes", cargo tank trucks, and tank rail cars.

Continuous record means documentation of data values measured at least once every 15 minutes

and recorded at the frequency specified in 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-minutes or more frequent block averages.

Continuous seal means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

Control device means equipment used for recovering or oxidizing organic vapors. Examples of such equipment include but are not limited to carbon adsorbers, condensers, vapor incinerators, flares, boilers, and process heaters.

Cover means a device that prevents or reduces air pollutant emissions to the atmosphere by forming a continuous barrier over the off-site material managed in a unit. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

Emission point means an individual tank, surface impoundment, container, oil-water or organic-water separator, transfer system, process vent, or enclosure.

Enclosure means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapor through a closed vent system to a control device.

External floating roof means a pontoon-type or double-deck type cover that rests on the liquid surface in a tank with no fixed roof.

Fixed roof means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the liquid managed in the unit.

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, or internal floating cover which rests upon and is supported by the liquid being contained, and is equipped with a continuous seal.

HAP means hazardous air pollutants.

Hard-piping means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

Hazardous waste means a waste that is determined to be hazardous under the Resource Conservation and Recovery Act (PL 94–580) (RCRA), as implemented by 40 CFR parts 260 and 261.

Individual drain system means a 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 drains and junction boxes, together with their associated sewer lines and other junction boxes (e.g., manholes, sumps, and lift stations) conveying wastewater streams or residuals. For the purpose of this subpart, an individual drain system is not a drain and collection system that is designed and operated for the sole purpose of collecting rainfall runoff (e.g., stormwater sewer system) and is segregated from all other individual drain systems.

Internal floating roof means a cover that rests or floats on the liquid surface (but not necessarily in complete contact with it inside a tank that has a fixed roof).

Light-material service means the container is used to manage an off-site material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the off-site material is greater than 0.3 kilopascals (kPa) at 20 °C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20 °C is equal to or greater than 20 percent by weight.

Liquid-mounted seal means a foam- or liquid-filled continuous seal mounted in contact with the liquid in a unit.

Maximum HAP vapor pressure means the sum of the individual HAP equilibrium partial pressure exerted by an off-site material at the temperature equal to either: the local maximum monthly average temperature as reported by the National Weather Service when the off-site material is stored or treated at ambient temperature; or the highest calendar-month average temperature of the off-site material when the off-site material is stored at temperatures above the ambient temperature or when the off-site material is stored or treated at temperatures below the ambient temperature. For the purpose of this subpart, maximum HAP vapor pressure is determined using the procedures specified in § 63.694(j) of this subpart.

Metallic shoe seal means a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is 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.

No detectable organic emissions means no escape of organics to the atmosphere as determined

using the procedure specified in § 63.694(k) of this subpart.

Off-site material means a material that meets all of the criteria specified in paragraph § 63.680(b)(1) of this subpart but is not one of the materials specified in § 63.680(b)(2) of this subpart.

Off-site material management unit means a tank, container, surface impoundment, oil-water separator, organic-water separator, or transfer system used to manage off-site material.

Off-site material stream means an off-site material produced or generated by a particular process or source such that the composition and form of the material comprising the stream remain consistent. An off-site material stream may be delivered, transferred, or otherwise moved to the plant site in a continuous flow of material (e.g., wastewater flowing through a pipeline) or in a series of discrete batches of material (e.g., a truckload of drums all containing the same off-site material or multiple bulk truck loads of an off-site material produced by the same process).

Oil-water separator means a separator as defined for this subpart that is used to separate oil from water.

Operating parameter value means a minimum or maximum value established for a control device or treatment process parameter which, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limitation or standard.

Organic-water separator means a separator as defined for this subpart that is used to separate organics from water.

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. A unit or group of units within a contiguous property that are not under common control (e.g., a wastewater treatment unit or solvent recovery unit located at the site but is sold to a different company) is a different plant site.

Point-of-delivery means the point at the boundary or within the plant site where the owner or operator first accepts custody, takes possession, or assumes responsibility for the management of an off-site material stream managed in a waste management operation or recovery operation specified in § 63.680 (a)(2)(i) through (a)(2)(vi) of this subpart. The characteristics of an off-site material stream are determined prior to combining the off-site material stream with other off-site material streams or with any other materials.

Point-of-treatment means a point where the off-site material to be treated in accordance with § 63.683(b)(1)(ii) of this subpart exits the treatment process. The characteristics shall be determined before this material is conveyed, handled, or otherwise managed in such a manner that the material has the potential to volatilize to the atmosphere.

Process heater means an enclosed combustion device that transfers heat released by burning fuel directly to process streams or to heat transfer liquids other than water.

Process vent means any open-ended pipe, stack, or duct that allows the passage of gases, vapors, or fumes to the atmosphere and this passage is caused by mechanical means (such as compressors or vacuum-producing systems) or by process-related means (such as volatilization produced by heating). For the purpose of this subpart, a process vent is not a stack or duct used to exhaust combustion products from a boiler, furnace, process heater, incinerator, or other combustion device.

Recovery operation means the collection of off-site material management units, process vents, and equipment components used at a plant site to manage an off-site material stream from the point-of-delivery through the point where the material has been recycled, reprocessed, or re-refined to obtain the intended product or to remove the physical and chemical impurities of concern.

Safety device means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, combustible, explosive, reactive, or hazardous materials.

Separator means a waste management unit, generally a tank, used to separate oil or organics from water. A separator consists of not only the separa-

tion 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 any additional treatment units such as an air flotation unit clarifier or biological treatment unit. Examples of a separator include, but are not limited to, an API separator, parallel-plate interceptor, and corrugated-plate interceptor with the associated ancillary equipment.

Single-seal system means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

Surface impoundment means a unit that is a natural topographical depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquids. Examples of surface impoundments include holding, storage, settling, and aeration pits, ponds, and lagoons.

Tank means a stationary unit that is constructed primarily of nonearthen materials (such as wood, concrete, steel, fiberglass, or plastic) which provide structural support and is designed to hold an accumulation of liquids or other materials.

Transfer system means a stationary system for which the predominant function is to convey liquids or solid materials from one point to another point within a waste management operation or recovery operation. For the purpose of this subpart, the conveyance of material using a container (as defined for this subpart) or a self-propelled vehicle (e.g., a front-end loader) is not a transfer system. Examples of a transfer system include but are not limited to a pipeline, an individual drain system, a gravity-operated conveyor (such as a chute), and a mechanically-powered conveyor (such as a belt or screw conveyor).

Temperature monitoring device means a piece of equipment used to monitor temperature and having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius (°C) or ±1.2 degrees °C, whichever value is greater.

Treatment process means a process in which an off-site material stream is physically, chemically, thermally, or biologically treated to destroy, degrade, or remove hazardous air pollutants contained in the off-site material. A treatment process can be composed of a single unit (e.g., a steam stripper) or a series of units (e.g., a wastewater treatment system). A treatment process can be used to treat one or more off-site material streams at the same time.

Used oil means any oil refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities. This definition is the same definition of "used oil" in 40 CFR 279.1.

Used solvent means a solvent composed of a mixture of aliphatic hydrocarbons or a mixture of one and two ring aromatic hydrocarbons that has been used and as a result of such use is contaminated by physical or chemical impurities.

Vapor-mounted seal means a continuous seal that is mounted such that there is a vapor space between the liquid in the unit and the bottom of the seal.

Volatile organic hazardous air pollutant concentration or VOHAP concentration means the fraction by weight of the HAP listed in Table 1 of this subpart that are contained in an off-site material. For the purpose of this subpart, VOHAP concentration is determined in accordance with the test methods and procedures specified in § 63.694 (b) and (c) of this subpart.

Waste means a material generated from industrial, commercial, mining, or agricultural operations or from community activities that is discarded, discharged, or is being accumulated, stored, or physically, chemically, thermally, or biologically treated prior to being discarded or discharged.

Waste management operation means the collection of off-site material management units, process vents, and equipment components used at a plant site to manage an off-site material stream from the point-of-delivery to the point where the waste exits or is discharged from the plant site or the waste is placed for on-site disposal in a unit not subject to this subpart (e.g., a waste incinerator, a land disposal unit).

Waste stabilization process means any physical or chemical process used to either reduce the mobility of hazardous constituents in a waste or eliminate free liquids as determined by Test Method 9095—Paint Filter Liquids Test in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW–846, Third Edition, September 1986, as amended by Update I, November 15, 1992. A waste stabilization process includes mixing the waste with binders or other materials, and curing the resulting waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification." A waste stabilization process does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.

§ 63.682 [Reserved]

§ 63.683 Standards: General.

(a) This section applies to owners and operators of affected sources as defined in § 63.680(c) of this subpart.

(b) The owner or operator shall control the air emissions from each affected source in accordance with the following requirements:

(1) For each off-site material management unit that is part of an affected source, the owner or operator shall perform one of the following except when the unit is exempted under provisions of paragraph (c) of this section:

(i) Install and operate air emission controls on the off-site material management unit in accordance with the standards specified in §§ 63.685 through 63.689 of this subpart, as applicable to the unit;

(ii) Treat the off-site material to remove or destroy the HAP in accordance with the treatment standards specified in § 63.684 of this subpart before placing the material in the off-site material management unit; or

(iii) Determine that the average VOHAP concentration of each off-site material stream managed in the off-site material unit remains at a level less than 500 parts per million by weight (ppmw) based on the HAP content of the off-site material stream at the point-of-delivery. The owner or operator shall perform an initial determination of the average VOHAP concentration of each off-site material stream using the procedures specified in § 63.694(b) of this subpart before the first time any portion of the off-site material stream is placed in the unit. Thereafter, the owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the off-site material stream.

(2) For each process vent that is part of an affected source, the owner or operator shall control the HAP emitted from the process vent by implementing one of the following control measures.

(i) Install and operate air emission controls on the process vent in accordance with the standards specified in § 63.690 of this subpart.

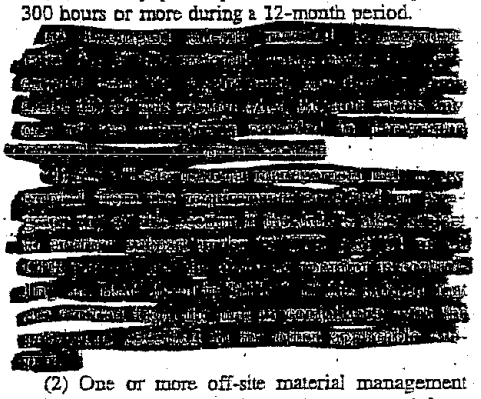
(ii) Determine that the average VOHAP concentration of each off-site material stream managed in the unit on which the process vent is used remains at a level less than 500 parts per million by weight (ppmw) based on the HAP content of the off-site material stream at the point-of-delivery. The owner or operator shall perform an initial determination of the average VOHAP concentration of each off-site material stream using the procedures specified in § 63.694(b) of this subpart before the first time any portion of the off-site material stream is placed in the unit. Thereafter, the owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the off-site material stream.

(3) For each equipment component that is part of an affected source and meets all of the criteria specified in paragraphs (b)(3)(i) through (b)(3)(iii) of this section, the owner or operator shall control the HAP emitted from equipment leaks by implementing control measures in accordance with the standards specified in § 63.691 of this subpart.

(i) The equipment component contains or contacts off-site material having a total HAP concentration equal to or greater than 10 percent by weight;

(ii) The equipment piece is a pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, or instrumentation system; and

(iii) The equipment piece is intended to operate 300 hours or more during a 12-month period.



(2) One or more off-site material management units located at a plant site can be exempted from the requirements specified in paragraph (b) of this section at the discretion of the owner or operator provided that the total annual quantity of HAP contained in the off-site material placed in the off-site material management units selected by the owner or operator to be exempted under this provision is less than 1 megagram per year. This total annual HAP quantity for the off-site material shall be based on the total quantity of the HAP listed in Table 1 of this subpart as determined at the point where the off-site material is placed in each exempted unit. For the off-site material management unit selected by the owner or operator to be exempted from the under this provision, the owner or operator shall meet the following requirements:

(i) Documentation shall be prepared by the owner or operator and maintained at the plant site to support the initial determination of the total annual HAP quantity of the off-site material. This documentation shall include identification of each off-site material management unit selected by the

owner or operator to be exempted under paragraph (c)(2) of this section and the basis for determining the HAP content of the off-site material. The owner or operator shall perform a new determination when the extent of changes to the quantity or composition of the off-site material placed in the exempted units could cause the total annual HAP content in the off-site material to exceed 1 megagram per year.

(ii) Each of the off-site material management units exempted under paragraph (c)(2) of this section shall be permanently marked in such a manner that it can be readily identified as an exempted unit from the other off-site material management units located at the plant site.

(3) A tank or surface impoundment is exempted from the requirements specified in paragraph (b) of this section if the unit is used for a biological treatment process that destroys or degrades the HAP contained in the material entering the unit, such that either of the following conditions is met:

(i) The HAP reduction efficiency (R) for the process is equal to or greater than 95 percent, and the HAP biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The HAP reduction efficiency (R) shall be determined using the procedure specified in § 63.694(g) of this subpart. The HAP biodegradation efficiency (R_{bio}) shall be determined in accordance with the requirements of § 63.694(h) of this subpart.

(ii) The total actual HAP mass removal rate (MR_{bio}) as determined in accordance with the requirements of § 63.694(i) of this subpart for the off-site material treated by the process is equal to or greater than the required HAP mass removal rate (RMR) as determined in accordance with the requirements of § 63.694(e) of this subpart.

(4) An off-site material management unit is exempted from the requirements specified in paragraph (b) of this section if the off-site material placed in the unit is a hazardous waste that meets the numerical concentration limits, applicable to the hazardous waste, as specified in 40 CFR part 268—Land Disposal Restrictions under both of the following tables:

(i) Table "Treatment Standards for Hazardous Waste" in 40 CFR 268.40; and

(ii) Table UTS—"Universal Treatment Standards" in 40 CFR 268.48.

(5) A tank used for bulk feed of off-site material to a waste incinerator is exempted from the requirements specified in paragraph (b) of this section if all of the following conditions are met:

(i) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR part 61, subpart FF—National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year;

(ii) The enclosure and control device serving the tank were installed and began operation prior to July 1, 1996; and

(iii) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or to direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

§ 63.684 Standards: Off-site material treatment.

(a) The provisions of this section apply to the treatment of off-site material to control air emissions for which § 63.683(b)(1)(ii) of this subpart references the requirements of this section for such treatment.

(b) The owner or operator shall remove or destroy the HAP contained in off-site material streams to be managed in the off-site material management unit in accordance with § 63.683(b)(1)(ii) of this subpart using a treatment process that continuously achieves, under normal operations, one of the following performance levels for the range of off-site material stream compositions and quantities expected to be treated:

(1) *VOHAP concentration.* The treatment process shall reduce the VOHAP concentration of the off-site material using a means, other than by dilution, to achieve one of the following performance levels, as applicable:

(i) In the case when every off-site material stream entering the treatment process has an average VOHAP concentration equal to or greater than 500 ppmw at the point-of-delivery, then the VOHAP concentration of the off-site material shall be reduced to a level that is less than 500 ppmw at the point-of-treatment.

(ii) In the case when the off-site material streams entering the treatment process include off-site material streams having average VOHAP concentrations less than 500 ppmw at the point-of-delivery, then the VOHAP concentration of the off-site material shall be reduced to a level at the point-of-treatment that is either:

(A) Less than the VOHAP concentration limit (C_R) established for the treatment process using

the procedure specified in § 63.694(d) of this subpart; or

(B) Less than the lowest VOHAP concentration determined for each of the off-site material streams entering the treatment process as determined by the VOHAP concentration of the off-site material at the point-of-delivery.

(2) *HAP mass removal.* The treatment process shall achieve a performance level such that the total quantity of HAP actually removed from the off-site material stream (MR) is equal to or greater than the required mass removal (RMR) established for the off-site material stream using the procedure specified in § 63.694(e) of this subpart. The MR for the off-site material streams shall be determined using the procedures specified in § 63.694(f) of this subpart.

(3) *HAP reduction efficiency.* The treatment process shall achieve a performance level such that the total quantity of HAP in the off-site material stream is reduced to one of the following performance levels, as applicable:

(i) In the case when the owner or operator determines that off-site material stream entering the treatment process has an average VOHAP concentration less than 10,000 ppmw at the point-of-delivery, then the treatment process shall achieve a performance level such that the total quantity of HAP in the off-site material stream is reduced by 95 percent or more. The HAP reduction efficiency (R) for the treatment process shall be determined using the procedure specified in § 63.694(g) of this subpart. The average VOHAP concentration of the off-site material stream at the point-of-delivery shall be determined using the procedure specified in § 63.694(b) of this subpart.

(ii) In the case when the off-site material stream entering the treatment process has an average VOHAP concentration equal to or greater than 10,000 ppmw at the point-of-delivery, then the treatment process shall achieve a performance level such that the total quantity of HAP in the off-site material stream is reduced by 95 percent or more, and the average VOHAP concentration of the off-site material at the point-of-treatment is less than 100 parts per million by weight (ppmw). The HAP reduction efficiency (R) for the treatment process shall be determined using the procedure specified in § 63.694(g) of this subpart. The average VOHAP concentration of the off-site material stream at the point-of-treatment shall be determined using the procedure specified in § 63.694(c) of this subpart.

(4) *Biological degradation.* The treatment process shall achieve either of the following performance levels:

(i) The HAP reduction efficiency (R) for the treatment process is equal to or greater than 95 percent, and the HAP biodegradation efficiency (R_{bio}) for the treatment process is equal to or greater than 95 percent. The HAP reduction efficiency (R) shall be determined using the procedure specified in § 63.694(g) of this subpart. The HAP biodegradation efficiency (R_{bio}) shall be determined in accordance with the requirements of § 63.694(h) of this subpart.

(ii) The total quantity of HAP actually removed from the off-site material stream by biological degradation (MR_{bio}) shall be equal to or greater than the required mass removal (RMR) established for the off-site material stream using the procedure specified in § 63.694(e) of this subpart. The MR_{bio} of the off-site material stream shall be determined using the procedures specified in § 63.694(f) of this subpart.

(5) *Incineration.* The HAP contained in the off-site material stream shall be destroyed using one of the following combustion devices:

(i) An incinerator for which the owner or operator has either:

(A) Been issued a final permit under 40 CFR part 270, and the incinerator is designed and operated in accordance with the requirements of 40 CFR 264 subpart O—Incinerators, or

(B) Has certified compliance with the interim status requirements of 40 CFR 265 subpart O—Incinerators.

(ii) A boiler or industrial furnace for which the owner or operator has either:

(A) Been issued a final permit under 40 CFR part 270, and the combustion unit is designed and operated in accordance with the requirements of 40 CFR part 266 subpart H—Hazardous Waste Burned in Boilers and Industrial Furnaces, or

(B) Has certified compliance with the interim status requirements of 40 CFR part 266 subpart H Hazardous Waste Burned in Boilers and Industrial Furnaces.

(c) For a treatment process that removes the HAP from the off-site material by a means other than thermal destruction or biological degradation to achieve one of the performances levels specified in paragraph (b)(1), (b)(2), or (b)(3) of this section, the owner or operator shall manage the HAP removed from the off-site material in such a manner to minimize release of these HAP to the atmosphere, to the extent practical. Examples of HAP emission control measures that meet the requirements of this paragraph include managing the HAP removed from the off-site material in units that use air emission controls in accordance with the standards specified in §§ 63.685 through 63.689 of this subpart, as applicable to the unit.

(d) When the owner or operator treats the off-site material to meet one of the performance levels specified in paragraphs (b)(1) through (b)(4) of this section, the owner or operator shall demonstrate that the treatment process achieves the se-

lected performance level for the range of expected off-site material stream compositions expected to be treated. An initial demonstration shall be performed as soon as possible but no later than 30 days after first time an owner or operator begins using the treatment process to manage off-site material streams in accordance with the requirements of § 63.683(b)(1)(ii) of this subpart. Thereafter, the owner or operator shall review and update, as necessary, this demonstration at least once every 12 months following the date of the initial demonstration.

(e) When the owner or operator treats the off-site material to meet one of the performance levels specified in paragraphs (b)(1) through (b)(4) of this section, the owner or operator shall ensure that the treatment process is achieving the applicable performance requirements by continuously monitoring the operation of the process when it is used to treat off-site material:

(1) A continuous monitoring system shall be installed and operated for each treatment that measures operating parameters appropriate for the treatment process technology. This system shall include a continuous recorder that records the measured values of the selected operating parameters. The monitoring equipment shall be installed, calibrated, and maintained in accordance with the equipment manufacturer's specifications. The continuous recorder shall be a data recording device that records either an instantaneous data value at least once every 15 minutes or an average value for intervals of 15 minutes or less.

(2) For each monitored operating parameter, the owner or operator shall establish a minimum operating parameter value or a maximum operating parameter value, as appropriate, to define the range of conditions at which the treatment process must be operated to continuously achieve the applicable performance requirements of this section.

(3) When the treatment process is operating to treat off-site material, the owner or operator shall inspect the data recorded by the continuous monitoring system on a routine basis and operate the treatment process such that the actual value of each monitored operating parameter is greater than the minimum operating parameter value or less than the maximum operating parameter value, as appropriate, established for the treatment process.

(f) The owner or operator shall maintain records for each treatment process in accordance with the requirements of § 63.696 of this subpart.

(g) The owner or operator shall prepare and submit reports for each treatment process in accordance with the requirements of § 63.697 of this subpart.

(h) The Administrator may at any time conduct or request that the owner or operator conduct testing necessary to demonstrate that a treatment process is achieving the applicable performance requirements of this section. The testing shall be conducted in accordance with the applicable requirements of this section. The Administrator may elect to have an authorized representative observe testing conducted by the owner or operator.

§ 63.685 Standards: Tanks.

(a) The provisions of this section apply to the control of air emissions from tanks for which § 63.683(b)(1)(i) of this subpart references the use of this section for such air emission control.

(b) The owner or operator shall control air emissions from each tank subject to this section in accordance with the following applicable requirements:

(1) For a tank that is part of an existing affected source but the tank is not used to manage off-site material having a maximum organic vapor pressure that is equal to or greater than 76.6 kPa nor is the tank used for a waste stabilization process as defined in § 63.681 of this subpart, the owner or operator shall determine whether the tank is required to use either Tank Level 1 controls or Tank Level 2 controls as specified for the tank by Table 3 of this subpart based on the off-site material maximum HAP vapor pressure and the tank's design capacity. The owner or operator shall control air emissions from a tank required by Table 3 to use Tank Level 1 controls in accordance with the requirements of paragraph (c) of this section. The owner or operator shall control air emissions from a tank required by Table 3 to use Tank Level 2 controls in accordance with the requirements of paragraph (d) of this section.

(2) For a tank that is part of a new affected source but the tank is not used to manage off-site material having a maximum organic vapor pressure that is equal to or greater than 76.6 kPa nor is the tank used for a waste stabilization process as defined in § 63.681 of this subpart, the owner or operator shall determine whether the tank is required to use either Tank Level 1 controls or Tank Level 2 controls as specified for the tank by Table 4 of this subpart based on the off-site material maximum HAP vapor pressure and the tank's design capacity. The owner or operator shall control air emissions from a tank required by Table 4 to use Tank Level 1 controls in accordance with the requirements of paragraph (c) of this section. The owner or operator shall control air emissions from a tank required by Table 4 to use Tank Level 2 controls in accordance with the requirements of paragraph (d) of this section.

(3) For a tank that is used for a waste stabilization process, the owner or operator shall control air emissions from the tank by using Tank Level 2 controls in accordance with the requirements of paragraph (d) of this section.

(4) For a tank that manages off-site material having a maximum organic vapor pressure that is equal to or greater than the 76.6 kPa, the owner or operator shall control air emissions from the tank by venting the tank through a closed-vent system to a control device in accordance with the requirements of paragraph (g) of this section.

(c) Owners and operators controlling air emissions from a tank using Tank Level 1 controls shall meet the following requirements:

(1) The owner or operator shall determine the maximum HAP vapor pressure for an off-site material to be managed in the tank using Tank Level 1 controls before the first time the off-site material is placed in the tank. The maximum HAP vapor pressure shall be determined using the procedures specified in § 63.694(j) of this subpart. Thereafter, the owner or operator shall perform a new determination whenever changes to the off-site material managed in the tank could potentially cause the maximum HAP vapor pressure to increase to a level that is equal to or greater than the maximum HAP vapor pressure limit for the tank design capacity category specified in Table 3 or Table 4 of this subpart, as applicable to the tank.

(2) The owner or operator shall control air emissions from the tank using a fixed-roof in accordance with the provisions specified in 40 CFR 63 subpart OO—National Emission Standards for Tanks—Level 1.

(d) Owners and operators controlling air emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

(1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in paragraph (e) of this section;

(2) A tank equipped with an external floating roof in accordance with the requirements specified in paragraph (f) of this section;

(3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in paragraph (g) of this section;

(4) A pressure tank designed and operated in accordance with the requirements specified in paragraph (h) of this section; or

(5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in paragraph (i) of this section.

(e) The owner or operator who elects to control air emissions from a tank using a fixed-roof with an internal floating roof shall meet the requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(1) The tank shall be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

(i) The internal floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

(ii) The internal floating roof shall be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

(A) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in § 63.681 of this subpart; or

(B) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

(iii) The internal floating roof shall meet the following specifications:

(A) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

(B) Each opening in the internal floating roof shall be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.

(C) Each penetration of the internal floating roof for the purpose of sampling shall have a slit fabric cover that covers at least 90 percent of the opening.

(D) Each automatic bleeder vent and rim space vent shall be gasketed.

(E) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(F) 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.

(2) The owner or operator shall operate the tank in accordance with the following requirements:

(i) 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.

(ii) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

(iii) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof shall be bolted or fastened closed (i.e., no visible gaps). Rim spaces vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

(3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified in § 63.695(b) of this subpart.

(f) The owner or operator who elects to control tank emissions by using an external floating roof shall meet the requirements specified in paragraphs (f)(1) through (f)(3) of this section.

(1) The owner or operator shall design the external floating roof in accordance with the following requirements:

(i) The external floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

(ii) The floating roof shall be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

(A) The primary seal shall be a liquid-mounted seal or a metallic shoe seal, as defined in § 63.681 of this subpart. The total area of the gaps between the tank wall and the primary seal shall not exceed 212 square centimeters (cm^2) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal shall be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface.

(B) The secondary seal shall be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal shall not exceed 21.2 square centimeters (cm^2) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 1.3 centimeters (cm).

(iii) The external floating roof shall be meet the following specifications:

(A) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface.

(B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid.

(C) Each access hatch and each gauge float wells shall be equipped with covers designed to be bolted or fastened when the cover is secured in the closed position.

(D) Each automatic bleeder vent and each rim space vents shall be equipped with a gasket.

(E) Each roof drain that empties into the liquid managed in the tank shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(F) Each unslotted and slotted guide pole well shall be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

(G) Each unslotted guide pole shall be equipped with a gasketed cap on the end of the pole.

(H) Each slotted guide pole shall be equipped with a gasketed float or other device which closes off the surface from the atmosphere.

(I) Each gauge hatch and each sample well shall be equipped with a gasketed cover.

(2) The owner or operator shall operate the tank in accordance with the following requirements:

(i) 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.

(ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be secured and maintained in a closed position at all times except when the closure device must be open for access.

(iii) Covers on each access hatch and each gauge float well shall be bolted or fastened when secured in the closed position.

(iv) Automatic bleeder vents shall be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

(v) Rim space vents shall be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

(vi) The cap on the end of each unslotted guide pole shall be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

(vii) The cover on each gauge hatch or sample well shall be secured in the closed position at all times except when the hatch or well must be opened for access.

(viii) Both the primary seal and the secondary seal shall completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

(3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified in § 63.695(b) of this subpart.

(g) The owner or operator who controls tank air emissions by venting to a control device shall meet the requirements specified in paragraphs (g)(1) through (g)(3) of this section.

(1) The tank shall be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

(i) The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

(ii) Each opening in the fixed roof not vented to the control device shall be equipped with a clo-

sure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices shall be 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. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device shall be designed to operate with no detectable organic emissions.

(iii) The fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the off-site material to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include: organic vapor permeability, the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

(iv) The closed-vent system and control device shall be designed and operated in accordance with the requirements of § 63.693 of this subpart.

(2) Whenever an off-site material is in the tank, the fixed roof shall be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

(i) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

(A) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

(B) To remove accumulated sludge or other residues from the bottom of separator.

(ii) Opening of a safety device, as defined in § 63.681 of this subpart, is allowed at any time conditions require it to do so to avoid an unsafe condition.

(3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the procedures specified in § 63.695 of this subpart.

(h) The owner or operator who elects to control tank air emissions by using a pressure tank shall meet the following requirements.

(1) The tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

(2) All tank openings shall equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in § 63.694(k) of this subpart.

(3) Whenever an off-site material is in the tank, the tank shall be operated as a closed system that does not vent to the atmosphere except in the event that opening of a safety device, as defined in § 63.681 of this subpart, is required to avoid an unsafe condition.

(i) The owner or operator who elects to control air emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in paragraphs (i)(1) through (i)(4) of this section.

(1) The tank shall be located inside an enclosure. The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or to direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

(2) The enclosure shall be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in § 63.693 of this subpart.

§ 63.686 Standards: Oil-water and organic-water separators.

(a) The provisions of this section apply to the control of air emissions from oil-water separators and organic-water separators for which § 63.683(b)(1)(i) of this subpart references the use of this section for such air emission control.

(b) The owner or operator shall control air emissions from the separator subject to this section by installing and operating one of the following:

(1) A floating roof in accordance with all applicable provisions specified in 40 CFR 63 subpart VV—National Emission Standards for Oil-Water Separators and Organic-Water Separators. For portions of the separator where it is infeasible to install and operate a floating roof, such as over a weir mechanism, the owner or operator shall comply with the requirements specified in paragraph (b)(2) of this section.

(2) A fixed-roof that is vented through a closed-vent system to a control device in accordance with all applicable provisions specified in 40 CFR 63 subpart VV—National Emission Standards for Oil-Water Separators and Organic-Water Separators.

§ 63.687 Standards: Surface impoundments.

(a) The provisions of this section apply to the control of air emissions from surface impoundments for which § 63.683(b)(1)(i) of this subpart references the use of this section for such air emission control.

(b) The owner or operator shall control air emissions from each surface impoundment subject to this section by installing and operating one of the following, as relevant to the surface impoundment design and operation:

(1) A floating membrane cover in accordance with the applicable provisions specified in 40 CFR 63 subpart QQ—National Emission Standards for Surface Impoundments; or

(2) A cover that is vented through a closed-vent system to a control device in accordance with all applicable provisions specified in 40 CFR 63 subpart QQ—National Emission Standards for Surface Impoundments.

§ 63.688 Standards: Containers.

(a) The provisions of this section apply to the control of air emissions from containers for which § 63.683(b)(1)(i) of this subpart references the use of this section for such air emission control.

(b) The owner or operator shall control air emissions from each container subject to this section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in paragraph (c) of this section apply to the container.

(1) For a container having a design capacity greater than 0.1 m^3 and less than or equal to 0.46 m^3, the owner or operator shall control air emissions from the container in accordance with the standards for Container Level 1 controls as specified in 40 CFR 63 subpart PP—National Emission Standards for Containers.

(2) For a container having a design capacity greater than 0.46 m^3 and the container is not in light-material service as defined in § 63.681 of this subpart, the owner or operator shall control air emissions from the container in accordance with the standards for Container Level 1 controls as specified in 40 CFR 63 subpart PP—National Emission Standards for Containers.

(3) For a container having a design capacity greater than 0.46 m^3 and the container is in light-material service as defined in § 63.681 of this subpart, the owner or operator shall control air emissions from the container in accordance with the standards for Container Level 2 controls as specified in 40 CFR 63 subpart PP—National Emission Standards for Containers.

(c) When a container subject to this subpart and having a design capacity greater than 0.1 m^3 is used for treatment of an off-site material by a waste stabilization process as defined in § 63.681 of this subpart, the owner or operator shall control air emissions from the container at those times during the process when the off-site material in container is exposed to the atmosphere in accordance with the standards for Container Level 3 controls as specified in 40 CFR 63 subpart PP—National Emission Standards for Containers.

§ 63.689 Standards: Transfer systems.

(a) The provisions of this section apply to the control of air emissions from transfer systems for which § 63.683(b)(1)(i) of this subpart references the use of this section for such air emission control.

(b) For each transfer system that is subject to this section and is an individual drain system, the owner or operator shall control air emissions from in accordance with the standards specified in 40 CFR 63 subpart RR—National Emission Standards for Individual Drain Systems.

(c) For each transfer system that is subject to this section but is not an individual drain system, the owner or operator shall control air emissions by installing and operating one of the following:

(1) A transfer system that uses covers in accordance with the requirements specified in paragraph (d) of this section.

(2) A transfer system that consists of continuous hard-piping. All joints or seams between the pipe sections shall be permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed flange).

(3) A transfer system that is enclosed and vented through a closed vent system to a control device in accordance with the following requirements:

(i) The transfer system is designed and operated such that an internal pressure in the vapor headspace in the system is maintained at a level less than atmospheric pressure when the control device is operating, and

(ii) The closed vent system and control device are designed and operated in accordance with the requirements of § 63.693 of this subpart.

(d) Owners and operators controlling air emissions from a transfer system using covers in accordance with the provisions of paragraph (c)(1) of this section shall meet the following requirements:

(1) The cover and its closure devices shall be designed to form a continuous barrier over the entire surface area of the off-site material as it is conveyed by the transfer system except for the openings at the inlet and outlet to the transfer system through which the off-site material passes. The inlet and outlet openings used for passage of the off-site material through the transfer system shall be the minimum size required for practical operation of the transfer system.

(2) The cover shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section joints or between the interface of the cover edge and its mounting.

(3) Except for the inlet and outlet openings to the transfer system through which the off-site material passes, each opening in the 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 opening and the closure device.

(4) The cover and its closure devices shall be made of suitable materials that will minimize exposure of the off-site material to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered when selecting the materials for and designing the cover and closure devices shall include: organic vapor permeability; the effects of any contact with the material or its vapors conveyed in the transfer system; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the transfer system on which the cover is installed.

(5) Whenever an off-site material is in the transfer system, the cover shall be installed with each closure device secured in the closed position except as follows:

(i) Opening of closure devices or removal of the cover is allowed to provide access to the transfer system for performing routine inspection, maintenance, repair, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a hatch or remove the cover to repair conveyance equipment mounted under the cover or to clear a blockage of material inside the system. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable.

(ii) Opening of a safety device, as defined in § 63.681 of this subpart, is allowed at any time conditions require it to do so to avoid an unsafe condition.

(6) The owner or operator shall inspect the air emission control equipment in accordance with the requirements specified in § 63.695 of this subpart.

§ 63.690 Standards: Process vents.

(a) The provisions of this section apply to the control of air emissions from process vents for which § 63.683(b)(2)(i) of this subpart references the use of this section for such air emission control.

(b) The owner or operator shall control HAP emitted from the process vent within the affected source by connecting each process vent through a closed-vent system to a control device that is designed and operated in accordance with the standards specified in § 63.693 of this subpart with the following exceptions.

(1) Each individual control device used to comply with the requirements of this section is not required to meet the level of performance, as applicable to the particular control technology used, specified in §§ 63.693 (d)(1), (e)(1), (f)(1)(i), and (g)(1)(i) of this subpart provided that these control devices are designed and operated to achieve a total reduction of 95 weight percent or more in the quantity of HAP, listed in Table 1 of this subpart, that is emitted from all process vents within the affected source.

(2) For the purpose of complying with this section, a device for which the predominate function is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser or a solvent recovery unit) is not a control device.

§ 63.691 Standards: Equipment leaks.

(a) The provisions of this section apply to the control of air emissions from equipment leaks for which § 63.683(b)(3) of this subpart references the use of this section for such air emission control.

(b) The owner or operator shall control the HAP emitted from equipment leaks in accordance with the applicable provisions of either:

(1) Section 61.242 through § 61.247 in 40 CFR Part 61 subpart V—National Emission Standards for Equipment Leaks; or

(2) Section 63.162 through § 63.182 in 40 CFR Part 63 subpart H—National Emission Standards for Organic Hazardous Air Pollutants from Equipment Leaks.

§ 63.692 [Reserved]

§ 63.693 Standards: Closed-vent systems and control devices.

(a) The provisions of this section apply to closed-vent systems and control devices used to control air emissions for which another standard references the use of this section for such air emission control.

(b) For each closed-vent system and control device used to comply with this section, the owner or operator shall meet the following requirements:

(1) The closed-vent system shall be designed and operated in accordance with the requirements specified in paragraph (c) of this section.

(2) The control device shall remove, recover, or destroy HAP at a level of performance that achieves the requirements applicable to the particular control device technology as specified in paragraphs (d) through (h) of this section. The owner or operator shall demonstrate that the control device achieves the applicable performance requirements by either conducting a performance test or preparing a design analysis for the control device in accordance with the requirements specified in this section.

(3) Whenever gases or vapors containing HAP are vented through a closed-vent system connected to a control device used to comply with this section, the control device shall be operating except at the following times:

(i) The control device may be bypassed for the purpose of performing planned routine maintenance of the closed vent system or control device in situations when the routine maintenance cannot be performed during periods that the emission point vented to the control device is shutdown. On an annual basis, the total time that the closed-vent system or control device is bypassed to perform routine maintenance shall not exceed 240 hours per each 12 month period.

(ii) The control device may be bypassed for the purpose of correcting a malfunction of the closed vent system or control device. The owner or operator shall perform the adjustments or repairs necessary to correct the malfunction as soon as practicable after the malfunction is detected.

(4) The owner or operator shall ensure that the control device is achieving the performance requirements specified in paragraph (b)(2) of this section by continuously monitoring the operation of the control device as follows:

(i) A continuous monitoring system shall be installed and operated for each control device that measures operating parameters appropriate for the control device technology as specified in paragraphs (d) through (h) of this section. This system shall include a continuous recorder that records the measured values of the selected operating parameters. The monitoring equipment shall be installed, calibrated, and maintained in accordance with the equipment manufacturer's specifications. The continuous recorder shall be a data recording device that records either an instantaneous data value at least once every 15 minutes or an average value for intervals of 15-minutes or less.

(ii) For each monitored operating parameter, the owner or operator shall establish a minimum operating parameter value or a maximum operating parameter value, as appropriate, to define the range of conditions at which the control device must be operated to continuously achieve the applicable performance requirements of this section. Each minimum or maximum operating parameter value shall be established as follows:

(A) If the owner or operator conducts a performance test to demonstrate control device performance, then the minimum or maximum operating parameter value shall be established based on values measured during the performance test and supplemented, as necessary, by control device design analysis and manufacturer recommendations.

(B) If the owner or operator uses a control device design analysis to demonstrate control device performance, then the minimum or maximum operating parameter value shall be established based on the control device design analysis and the control device manufacturer's recommendations.

(C) When the control device is required to be operating in accordance with the provisions of paragraph (b)(3) of this section, the owner or operator shall inspect the data recorded by the continuous monitoring system on a routine basis and operate the control device such that the actual value of each monitored operating parameter is greater than the minimum operating parameter value or less than the maximum operating parameter value, as appropriate, established for the control device.

(5) The owner or operator shall inspect and monitor the closed-vent system in accordance with the requirements of § 63.695(c) of this subpart.

(6) The owner or operator shall maintain records for each closed-vent system and control device in accordance with the requirements of § 63.696 of this subpart.

(7) The owner or operator shall prepare and submit reports for each closed-vent system and control device in accordance with the requirements of § 63.697 of this subpart.

(8) The Administrator may at any time conduct or request that the owner or operator conduct a performance test to demonstrate that a closed-vent system and control device achieves the applicable performance requirements of this section. The performance test shall be conducted in accordance with the requirements of § 63.694(j) of this subpart. The Administrator may elect to have an authorized representative observe a performance test

conducted by the owner or operator. Should the results of this performance test not agree with the determination of control device performance based on a design analysis, then the results of the performance test shall be used to establish compliance with this section.

(c) *Closed-vent system requirements.* (1) The vent stream required to be controlled shall be conveyed to the control device by either of the following closed-vent systems:

(i) A closed-vent system that is designed to operate with no detectable organic emissions using the procedure specified in § 63.694(k) of this subpart; or

(ii) A closed-vent system that is designed to operate at a pressure below atmospheric pressure. The system shall be equipped with at least one pressure gage or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

(2) In situations when the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a flow indicator as specified in paragraph (c)(2)(i) or a seal or locking device as specified in paragraph (c)(2)(ii) of this section. For the purpose of complying with this paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

(i) If a flow indicator is used to comply with paragraph (c)(2) of this section, the indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this paragraph, a flow indicator means a device which indicates either the presence of gas or vapor flow in the bypass line.

(ii) If a seal or locking device is used to comply with paragraph (c)(2) of this section, the device shall be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

(d) *Carbon adsorption control device requirements.* (1) The carbon adsorption system shall be designed and operated to achieve one of the following performance specifications:

(i) Recover 95 percent or more, on a weight-basis, of the total organic compounds (TOC), less methane and ethane, contained in the vent stream entering the carbon adsorption system; or

(ii) Recover 95 percent or more, on a weight-basis, of the total HAP listed in Table 1 of this subpart contained in the vent stream entering the carbon adsorption system.

(2) The owner or operator shall demonstrate that the carbon adsorption system achieves the performance requirements of paragraph (d)(1) of this section by one of the following methods:

(i) Conduct a performance test in accordance with the requirements of § 63.694(l) of this subpart.

(ii) Prepare a design analysis. This analysis shall address the vent stream characteristics and control device operating parameters for the applicable carbon adsorption system type as follows:

(A) For a regenerable carbon adsorption system, the design analysis shall address the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration, adsorption cycle time, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total regeneration steam 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 the carbon.

(B) For a nonregenerable carbon adsorption system (e.g., a carbon canister), the design analysis shall address the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration, carbon bed capacity, activated carbon type and working capacity, and design carbon replacement interval based on the total carbon working capacity of the control device and emission point operating schedule.

(3) To meet the monitoring requirements of paragraph (b)(4) of this section, the owner or operator shall use one of the following continuous monitoring systems:

(i) For a regenerative-type carbon adsorption system, an integrating regeneration stream flow monitoring device equipped with a continuous recorder and a carbon bed temperature monitoring device for each adsorber vessel equipped with a continuous recorder. The integrating regeneration stream flow monitoring device shall have an accuracy of ±10 percent and measure the total regeneration stream mass flow during the carbon bed regeneration cycle. The temperature monitoring

device shall measure the carbon bed temperature after regeneration and within 15 minutes of completing the cooling cycle and the duration of the carbon bed steaming cycle.

(ii) A continuous monitoring system that measures the concentration level of organic compounds in the exhaust vent stream from the control device using an organic monitoring device equipped with a continuous recorder.

(iii) A continuous monitoring system that measures other alternative operating parameters upon approval of the Administrator as specified in 40 CFR 63.8 (f)(1) through (f)(5) of this part.

(4) The owner or operator shall manage the carbon used for the carbon adsorption system, as follows:

(i) Following the initial startup of the control device, all carbon in the control device shall be replaced with fresh carbon on a regular, predetermined time interval that is no longer than the carbon service life established for the carbon adsorption system.

(ii) The spent carbon removed from the carbon adsorption system shall be managed in one of the following ways:

(A) Regenerated or reactivated in a thermal treatment unit that is designed and operated in accordance with the requirements of 40 CFR 264 subpart X and is permitted under 40 CFR part 270 of this chapter, or certified to be in compliance with the interim status requirements of 40 CFR 265 subpart P of this chapter.

(B) Burned in a hazardous waste incinerator that is designed and operated in accordance with the requirements of 40 CFR 264 subpart O and is permitted under 40 CFR part 270 of this chapter, or certified to be in compliance with the interim status requirements of 40 CFR part 265 subpart O.

(C) Burned in a boiler or industrial furnace that is designed and operated in accordance with the requirements of 40 CFR 266 subpart H and is permitted under 40 CFR part 270 of this chapter, or certified to be in compliance with the interim status requirements of 40 CFR part 266 subpart H of this chapter.

(e) *Condenser control device requirements.* (1) The condenser shall be designed and operated to achieve one of the following performance specifications:

(i) Recover 95 percent or more, on a weight-basis, of the total organic compounds (TOC), less methane and ethane, contained in the vent stream entering the condenser; or

(ii) Recover 95 percent or more, on a weight-basis, of the total HAP, listed in Table 1 of this subpart, contained in the vent stream entering the condenser.

(2) The owner or operator shall demonstrate that the condenser achieves the performance requirements of paragraph (e)(1) of this section by one of the following methods:

(i) Conduct performance tests in accordance with the requirements of § 63.694(l) of this subpart.

(ii) Prepare a design analysis. This design analysis shall address 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.

(3) To meet the continuous monitoring requirements of paragraph (b)(3)(ii) of this section, the owner or operator shall use one of the following continuous monitoring systems:

(i) A temperature monitoring device equipped with a continuous recorder. The temperature sensor shall be installed at a location in the exhaust vent stream from the condenser.

(ii) A continuous monitoring system that measures the concentration level of organic compounds in the exhaust vent stream from the control device using an organic monitoring device equipped with a continuous recorder.

(iii) A continuous monitoring system that measures other alternative operating parameters upon approval of the Administrator as specified in 40 CFR 63.8 (f)(1) through (f)(5) of this part.

(f) Vapor incinerator control device requirements.

(1) The vapor incinerator shall be designed and operated to achieve one of the following performance specifications:

(i) Destroy the total organic compounds (TOC), less methane and ethane, contained in the vent stream entering the vapor incinerator either:

(A) By 95 percent or more, on a weight-basis, or

(B) To achieve a total incinerator outlet concentration for the TOC, less methane and ethane, of less than or equal to 20 parts per million by volume (ppmv) on a dry basis corrected to 3 percent oxygen.

(ii) Destroy the HAP listed in Table 1 of this subpart contained in the vent stream entering the vapor incinerator either:

(A) By 95 percent or more, on a total HAP weight-basis, or

(B) To achieve a total incinerator outlet concentration for the HAP, listed in table 1 of this subpart, of less than or equal to 20 parts per million by volume (ppmv) on a dry basis corrected to 3 percent oxygen.

(iii) Maintain the conditions in the vapor incinerator combustion chamber at a residence time of

0.5 seconds or longer and at a temperature of 760°C or higher.

(2) The owner or operator shall demonstrate that the vapor incinerator achieves the performance requirements of paragraph (f)(1) of this section by one of the following methods:

(i) Conduct performance tests in accordance with the requirements of § 63.694(l) of this subpart; or

(ii) Prepare a design analysis. The design analysis shall include analysis of the vent stream characteristics and control device operating parameters for the applicable vapor incinerator type as follows:

(A) For a thermal vapor incinerator, the design analysis shall address the vent stream composition, constituent concentrations, and flow rate and shall establish the design minimum and average temperatures in the combustion chamber and the combustion chamber residence time.

(B) For a catalytic vapor incinerator, the design analysis shall address 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, and the design service life of the catalyst.

(3) To meet the monitoring requirements of paragraph (b)(4) of this section, the owner or operator shall use one of the following continuous monitoring systems, as applicable:

(i) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The temperature sensor shall be installed at a location in the combustion chamber downstream of the combustion zone.

(ii) For a catalytic vapor incinerator, a temperature monitoring device capable of monitoring temperature at two locations equipped with a continuous recorder. One temperature sensor shall be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor shall be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

(iii) For either type of vapor incinerator, a continuous monitoring system that measures the concentration level of organic compounds in the exhaust vent stream from the control device using an organic monitoring device equipped with a continuous recorder.

(iv) For either type of vapor incinerator, a continuous monitoring system that measures alternative operating parameters other than those specified in paragraphs (f)(3)(i) or (f)(3)(ii) of this section upon approval of the Administrator as specified in 40 CFR 63.8 (f)(1) through (f)(5) of this part.

(g) Boilers and process heaters control device requirements.

(1) The boiler or process heater shall be designed and operated to achieve one of the following performance specifications:

(i) Destroy the total organic compounds (TOC), less methane and ethane, contained in the vent stream introduced into the flame zone of the boiler or process heater either:

(A) By 95 percent or more, on a weight-basis, or

(B) To achieve in the exhausted combustion gases a total concentration for the TOC, less methane and ethane, of less than or equal to 20 parts per million by volume (ppmv) on a dry basis corrected to 3 percent oxygen.

(ii) Destroy the HAP listed in Table 1 of this subpart contained in the vent stream entering the vapor incinerator either:

(A) By 95 percent or more, on a total HAP weight-basis, or

(B) To achieve in the exhausted combustion gases a total concentration for the HAP, listed in table 1 of the subpart, of less than or equal to 20 parts per million by volume (ppmv) on a dry basis corrected to 3 percent oxygen.

(iii) Introduce the vent stream into the flame zone of the boiler or process heater and maintain the conditions in the combustion chamber at a residence time of 0.5 seconds or longer and at a temperature of 760°C or higher.

(iv) Introduce the vent stream with the fuel that provides the predominate heat input to the boiler or process heater (i.e., the primary fuel); or

(v) Introduce the vent stream to a boiler or process heater for which the owner or operator either has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266 subpart H of this chapter, or has certified compliance with the interim status requirements of 40 CFR part 266 subpart H of this chapter.

(2) The owner or operator shall demonstrate that the boiler or process heater achieves the performance requirements of paragraph (g)(1)(i), (g)(1)(ii), or (g)(1)(iii) of this section using one of the following methods:

(i) Conduct performance tests in accordance with the requirements of § 63.694(l) of this subpart.

(ii) Prepare a design analysis. The design analysis shall address 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.

(3) The owner or operator shall demonstrate that the boiler or process heater achieves the performance requirements of paragraph (g)(1)(iv) or (g)(1)(v) of this section by keeping records that

document that the boiler or process heater is designed and operated in accordance with the applicable requirements of this section.

(4) To meet the monitoring requirements of paragraph (b)(4) of this section, the owner or operator shall use any of the following continuous monitoring systems:

(i) A temperature monitoring device equipped with a continuous recorder. The temperature sensor shall be installed at a location in the combustion chamber downstream of the flame zone.

(ii) A continuous monitoring system that measures the concentration level of organic compounds in the exhaust vent stream from the control device using an organic monitoring device equipped with a continuous recorder.

(iii) A continuous monitoring system that measures alternative operating parameters other than those specified in paragraphs (g)(3)(i) or (g)(3)(ii) of this section upon approval of the Administrator as specified in 40 CFR 63.8 (f)(1) through (f)(5) of this part.

(h) Flare control device requirements. The flare shall be designed and operated in accordance with the requirements of 40 CFR 63.11(b). To meet the monitoring requirements of paragraph (b)(4) of this section, the owner or operator shall use a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

§63.694 Testing methods and procedures.

(a) This section specifies the testing methods and procedures required for this subpart to perform the following:

(1) To determine the average VOHAP concentration for off-site material streams at the point-of-delivery for compliance with standards specified § 63.683 of this subpart, the testing methods and procedures are specified in paragraph (b) of this section.

(2) To determine the average VOHAP concentration for treated off-site material streams at the point-of-treatment for compliance with standards specified § 63.684 of this subpart, the testing methods and procedures are specified in paragraph (c) of this section.

(3) To determine the treatment process VOHAP concentration limit (C_R) for compliance with standards specified § 63.684 of this subpart, the testing methods and procedures are specified in paragraph (d) of this section.

(4) To determine treatment process required HAP removal rate (RMR) for compliance with standards specified § 63.684 of this subpart, the testing methods and procedures are specified in paragraph (e) of this section.

(5) To determine treatment process actual HAP removal rate (MR) for compliance with standards specified § 63.684 of this subpart, the testing methods and procedures are specified in paragraph (f) of this section.

(6) To determine treatment process required HAP reduction efficiency (R) for compliance with standards specified in § 63.684 of this subpart, the testing methods and procedures are specified in paragraph (g) of this section.

(7) To determine treatment process required HAP biodegradation efficiency (R_{bio}) for compliance with standards specified in § 63.684 of this subpart, the testing methods and procedures are specified in paragraph (h) of this section.

(8) To determine treatment process required actual HAP mass removal rate (MR_{bio}) for compliance with standards specified in § 63.684 of this subpart, the testing methods and procedures are specified in paragraph (i) of this section.

(9) To determine maximum organic HAP vapor pressure of off-site materials in tanks for compliance with the standards specified in § 63.685 of this subpart, the testing methods and procedures are specified in paragraph (j) of this section.

(10) To determine no detectable organic emissions, the testing methods and procedures are specified in paragraph (k) of this section.

(11) To determine closed-vent system and control device performance for compliance with the standards specified in § 63.693 of this subpart, the testing methods and procedures are specified in paragraph (l) of this section.

(b) Testing methods and procedures to determine average VOHAP concentration of an off-site material stream at the point-of-delivery.

(1) The average VOHAP concentration of an off-site material at the point-of-delivery shall be determined using either direct measurement as specified in paragraph (b)(2) of this section or by knowledge as specified in paragraph (b)(3) of this section.

(2) *Direct measurement to determine VOHAP concentration*—(i) *Sampling.* Samples of the off-site material stream shall be collected from the container, pipeline, or other device used to deliver the off-site material stream to the plant site in a manner such that volatilization of organics contained in the sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

(A) The averaging period to be used for determining the average VOHAP concentration for the off-site material stream on a mass-weighted average basis shall be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the off-site material stream but shall not exceed 1 year.

(B) A sufficient number of samples, but no less than four samples, shall be collected to represent the complete range of HAP compositions and HAP quantities that occur in the off-site material stream during the entire averaging period due to normal variations in the operating conditions for the source or process generating the off-site material stream. Examples of such normal variations are seasonal variations in off-site material quantity or fluctuations in ambient temperature.

(C) All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the off-site material stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the plant site operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW–846 or Method 25D in 40 CFR part 60, appendix A.

(ii) Analysis. Each collected sample shall be prepared and analyzed in accordance with one of the following methods:

(A) Method 25D in 40 CFR part 60, appendix A.

(B) Method 305 in 40 CFR part 63, appendix A.

(C) Method 624 in 40 CFR part 136, appendix A.

(D) Method 1624 in 40 CFR part 136, appendix A.

(E) Method 1625 in 40 CFR part 136, appendix A.

(F) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 and Section 5.3 of Method 301 in 40 CFR part 63, appendix A.

(iii) Calculations. The average VOHAP concentration (C) on a mass-weighted basis shall be calculated by using the results for all samples analyzed in accordance with paragraph (b)(2)(ii) of this section and the following equation:

ER01JY96.037

where:

$\bar{C}$=Average VOHAP concentration of the off-site material at the point-of-delivery on a mass-weighted basis, ppmw.

i=Individual sample "i" of the off-site material.

n=Total number of samples of the off-site material collected (at least 4) for the averaging period (not to exceed 1 year).

Q_i=Mass quantity of off-site material stream represented by C_i, kg/hr.

Q_T=Total mass quantity of off-site material during the averaging period, kg/hr.

C_i=Measured VOHAP concentration of sample "i" as determined in accordance with the requirements of § 63.693(b)(2)(ii), ppmw.

(3) Knowledge of the off-site material to determine VOHAP concentration.

(i) Documentation shall be prepared that presents the information used as the basis for the owner's or operator's knowledge of the off-site material stream's average VOHAP concentration. Examples of information that may be used as the basis for knowledge include: material balances for the source or process generating the off-site material stream; species-specific chemical test data for the off-site material stream from previous testing that are still applicable to the current off-site material stream; previous test data for other locations managing the same type of off-site material stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

(ii) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VOHAP concentration. For example, an owner or operator may use HAP concentration test data for the off-site material stream that are validated in accordance with Method 301 in 40 CFR part 63, appendix A of this part as the basis for knowledge of the off-site material.

(iii) An owner or operator using species-specific chemical concentration test data as the basis for knowledge of the off-site material may adjust the test data to the corresponding average VOHAP concentration value which would be obtained had the off-site material samples been analyzed using Method 305. To adjust these data, the measured concentration for each individual HAP chemical species contained in the off-site material is multiplied by the appropriate species-specific adjustment factor (f_{m305}) listed in Table 1 of this subpart.

(iv) In the event that the Administrator and the owner or operator disagree on a determination of the average VOHAP concentration for an off-site material stream using knowledge, then the results from a determination of VOHAP concentration using direct measurement as specified in paragraph (b)(2) of this section shall be used to establish compliance with the applicable requirements of this subpart. The Administrator may perform or request that the owner or operator perform this determination using direct measurement.

(c) *Determination of average VOHAP concentration of an off-site material stream at the point-of-treatment*—(1) *Sampling.* Samples of the off-site material stream shall be collected at the point-of-treatment in a manner such that volatilization of organics contained in the sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

(i) The averaging period to be used for determining the average VOHAP concentration for the off-site material stream on a mass-weighted average basis shall be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the off-site material stream but shall not exceed 1 year.

(ii) A sufficient number of samples, but no less than four samples, shall be collected to represent the complete range of HAP compositions and HAP quantities that occur in the off-site material stream during the entire averaging period due to normal variations in the operating conditions for the treatment process. Examples of such normal variations are seasonal variations in off-site material quantity or fluctuations in ambient temperature.

(iii) All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the off-site material stream such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the plant site operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846 or Method 25D in 40 CFR part 60, appendix A.

(2) *Analysis.* Each collected sample shall be prepared and analyzed in accordance with the one of the following methods:

(i) Method 25D in 40 CFR part 60, appendix A.

(ii) Method 305 in 40 CFR part 63, appendix A.

(iii) Method 624 in 40 CFR part 136, appendix A.

(iv) Method 1624 in 40 CFR part 136, appendix A.

(v) Method 1625 in 40 CFR part 136, appendix A.

(3) Calculations. The average VOHAP concentration ($\bar{C}$) on a mass-weighted basis shall be calculated by using the results for all samples analyzed in accordance with paragraph (c)(2) of this section and the following equation:

ER01JY96.038

Where:

$\bar{C}$=Average VOHAP concentration of the off-site material on a mass-weighted basis, ppmw.

i=Individual sample "i" of the off-site material.

n=Total number of samples of the off-site material collected (at least 4) for the averaging period (not to exceed 1 year).

Q_i=Mass quantity of off-site material stream represented by C_i, kg/hr.

Q_T=Total mass quantity of off-site material during the averaging period, kg/hr.

C_i=Measured VOHAP concentration of sample "i" as determined in accordance with the requirements of § 63.693(c)(2), ppmw.

(d) *Determination of treatment process VOHAP concentration limit* (C_R). (1) All of the off-site material streams entering the treatment process shall be identified.

(2) The average VOHAP concentration of each off-site material stream at the point-of-delivery shall be determined using the procedures specified in paragraph (b) of this section.

(3) The VOHAP concentration limit (C_R) shall be calculated by using the results determined for each individual off-site material stream and the following equation:

ER01JY96.039

where:

C_R=VOHAP concentration limit, ppmw.

x=Individual off-site material stream "x" that has a VOHAP concentration less than 500 ppmw at the point-of-delivery.

y=Individual off-site material stream "y" that has a VOHAP concentration equal to or greater than 500 ppmw at the point-of-delivery.

m=Total number of "x" off-site material streams treated by process.

p=Total number of "y" off-site material streams treated by process.

Q_x=Total mass quantity of off-site material stream "x", kg/yr.

Q_y=Total mass quantity of off-site material stream "y", kg/yr.

$\bar{C}_x$=VOHAP concentration of off-site material stream "x" at the point-of-delivery, ppmw.

(e) *Determination of required HAP mass removal rate (RMR).* (1) All of the off-site material streams entering the treatment process shall be identified.

(2) The average VOHAP concentration of each off-site material stream at the point-of-delivery shall be determined in accordance with the requirements of paragraph (b) of this section.

(3) For each individual off-site material stream that has an average VOHAP concentration equal to or greater than 500 ppmw at the point-of-deliv-

ery, the average volumetric flow rate and the density of the off-site material stream at the point-of-delivery shall be determined.

(4) The required HAP mass removal rate (RMR) shall be calculated by using the average VOHAP concentration, average volumetric flow rate, and density determined for each off-site material stream and the following equation:

ER01JY96.040

where:

RMR=Required HAP mass removal rate, kg/hr.

y=Individual off-site material stream "y" that has a VOHAP concentration equal to or greater than 500 ppmw at the point-of-delivery as determined in accordance with the requirements of § 63.693(b).

n=Total number of "y" off-site material streams treated by process.

V_y=Average volumetric flow rate of off-site material stream "y" at the point-of-delivery, m^3/hr.

k_y=Density of off-site material stream "y", kg/m^3

$\bar{C}_y$=Average VOHAP concentration of off-site material stream "y" at the point-of-delivery as determined in accordance with the requirements of § 63.693(b), ppmw.

(f) *Determination of actual HAP mass removal rate (MR).* (1) The actual HAP mass removal rate (MR) shall be determined based on results for a minimum of three consecutive runs. The sampling time for each run shall be 1 hour.

(2) The off-site material HAP mass flow entering the process (E_b) and the off-site material HAP mass flow exiting the process (E_a) shall be determined in accordance with the requirements of paragraph (g)(4) of this section.

(3) The actual mass removal rate shall be calculated by using the mass flow rates determined in accordance with the requirements of paragraph (f)(2) of this section and the following equation:

$MR = E_b - E_a$

where:

MR=Actual HAP mass removal rate, kg/hr.

E_b=Off-site material HAP mass flow entering process as determined in accordance with the requirements of paragraph (f)(2) of this section, kg/hr.

E_a=Off-site material HAP mass flow exiting process as determined in accordance with the requirements of paragraph (f)(2) of this section, kg/hr.

(g) *Determination of treatment process HAP reduction efficiency (R).* (1) The HAP reduction efficiency (R) for a treatment process shall be determined based on results for a minimum of three consecutive runs.

(2) All off-site material streams entering the treatment process and all off-site material streams exiting the treatment process shall be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the off-site material in the process.

(3) For each run, information shall be determined for each off-site material stream identified in paragraph (g)(2) of this section using the following procedures:

(i) The mass quantity of each off-site material stream entering the process (Q_b) and the mass quantity of each off-site material stream exiting the process (Q_a) shall be determined.

(ii) The average VOHAP concentration at the point-of-delivery of each off-site material stream entering the process ($\bar{C}_b$) during the run shall be determined in accordance with the requirements of paragraph (b) of this section. The VOHAP concentration of the off-site material stream at the point-of-treatment (C_a) during the run shall be determined in accordance with the applicable requirements of paragraph (c) of this section.

(4) The off-site material HAP mass flow entering the process (E_b) and the off-site material HAP mass flow exiting the process (E_a) shall be calculated by using the results determined in accordance with paragraph (g)(3) of this section and the following equations:

ER01JY96.041

ER01JY96.042

where:

E_b=Off-site material HAP mass flow entering process, kg/hr.

E_a=Off-site material HAP mass flow exiting process, kg/hr.

m=Total number of runs (at least 3)

j=Individual run "j"

Q_{bj}=Mass quantity of off-site material entering process during run "j", kg/hr.

Q_{aj}=Average mass quantity of off-site material exiting process during run "j", kg/hr.

$\bar{C}_{aj}$=Average VOHAP concentration of off-site material exiting process during run "j" as determined in accordance with the requirements of § 63.693(b), ppmw.

$\bar{C}_{bj}$=Average VOHAP concentration of off-site material entering process during run "j" as determined in accordance with the requirements of § 63.693(b), ppmw.

(5) The HAP reduction efficiency (R) shall be calculated by using the results determined in accordance with paragraph (g)(4) of this section and the following equation:

ER01JY96.043

where:

R=HAP reduction efficiency, percent.

E_b=Off-site material HAP mass flow entering process as determined in accordance with the

requirements of paragraph (d)(4) of this section, kg/hr.

E_e=Off-site material HAP mass flow exiting process as determined in accordance with the requirements of paragraph (d)(4) of this section, kg/hr.

(h) *Determination of HAP biodegradation efficiency* (R_{bio}). (1) The fraction of HAP biodegraded (F_{bio}) shall be determined using the procedure specified in 40 CFR part 63, appendix C of this part.

(2) The HAP biodegradation efficiency (R_{bio}) shall be calculated by using the following equation:

$$R_{bio}=F_{bio} \times 100$$

where:

R_{bio} = HAP biodegradation efficiency, percent.

F_{bio} = Fraction of HAP biodegraded as determined in accordance with the requirements of paragraph (h)(1) of this section.

(i) *Determination of actual HAP mass removal rate* (MR_{bio}). (1) The actual HAP mass removal rate (MR_{bio}) shall be determined based on results for a minimum of three consecutive runs. The sampling time for each run shall be 1 hour.

(2) The off-site material HAP mass flow entering the process (E_b) shall be determined in accordance with the requirements of paragraph (g)(4) of this section.

(3) The fraction of HAP biodegraded (F_{bio}) shall be determined using the procedure specified in 40 CFR part 63, appendix C of this part.

(4) The actual mass removal rate shall be calculated by using the HAP mass flow rates and fraction of HAP biodegraded determined in accordance with the requirements of paragraphs (i)(2) and (i)(3), respectively, of this section and the following equation:

$$MR_{bio}=E_b \times F_{bio}$$

where:

MR_{bio}=Actual HAP mass removal rate, kg/hr.

E_b=Off-site material HAP mass flow entering process, kg/hr.

F_{bio}=Fraction of HAP biodegraded.

(j) *Determination of maximum HAP vapor pressure for off-site material in a tank.* (1) The maximum HAP vapor pressure of the off-site material composition managed in a tank shall be determined using either direct measurement as specified in paragraph (j)(2) of this section or by knowledge of the off-site material as specified by paragraph (j)(3) of this section.

(2) Direct measurement to determine the maximum HAP vapor pressure of an off-site material.

(i) Sampling. A sufficient number of samples shall be collected to be representative of the off-site material contained in the tank. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the off-site material is collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the plant site operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating *Solid Waste*, Physical/Chemical Methods," EPA Publication No. SW–846 or Method 25D in 40 CFR part 60, appendix A.

(ii) Analysis. Any one of the following methods may be used to analyze the samples and compute the maximum HAP vapor pressure of the off-site material:

(A) Method 25E in 40 CFR part 60 appendix A;

(B) Methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from External Floating Roof Tanks,";

(C) Methods obtained from standard reference texts;

(D) ASTM Method 2879–83; or

(E) Any other method approved by the Administrator.

(3) Use of knowledge to determine the maximum HAP vapor pressure of the off-site material. Documentation shall be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum HAP vapor pressure of the off-site material is less than the maximum vapor pressure limit listed in Table 3 or Table 4 of this subpart for the applicable tank design capacity category. Examples of information that may be used include: the off-site material is generated by a process for which at other locations it previously has been determined by direct measurement that the off-site material maximum HAP vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

(k) *Procedure for determining no detectable organic emissions for the purpose of complying with this subpart.* (1) The test shall be conducted in accordance with the procedures specified in Method 21 of 40 CFR part 60, appendix A. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices shall be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to: the interface of the cover and its foundation mounting; the periphery of any opening on the cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

(2) The test shall be performed when the unit contains a material having an organic HAP concentration representative of the range of concentrations for the off-site materials expected to be managed in the unit. During the test, the cover and closure devices shall be secured in the closed position.

(3) 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 organic constituents in the off-site material placed in the unit, not for each individual organic constituent.

(4) 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.

(5) Calibration gases shall be as follows:

(i) Zero air (less than 10 ppmv hydrocarbon in air); and

(ii) A mixture of methane in air at a concentration of approximately, but less than, 10,000 ppmv.

(6) The background level shall be determined according to the procedures in Method 21 of 40 CFR part 60 appendix A.

(7) Each potential leak interface shall be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface shall be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet shall be placed at approximately the center of the exhaust area to the atmosphere.

(8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level shall be compared with the value of 500 ppmv. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(l) Control device performance test procedures.

(1) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites at the inlet and outlet of the control device.

(i) To determine compliance with a control device percent reduction requirement, sampling sites shall be located at the inlet of the control device as specified in paragraphs (l)(1)(i)(A) and (l)(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 auxiliary fuel into a boiler or process heater, the location of the inlet sampling sites shall be selected to ensure that the measurement of total HAP concentration or TOC concentration, as applicable, includes all vent streams and primary and secondary fuels introduced into the boiler or process heater.

(ii) To determine compliance with an enclosed combustion device concentration limit, the sampling site shall be located at the outlet of the 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 control device percent reduction requirement, the owner or operator shall use Method 18 of 40 CFR part 60, appendix A of this chapter; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 in 40 CFR part 63, 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 HAP (E_i and E_o, respectively) shall be computed.

(A) The following equations shall be used:

ER01JY96.044

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 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) (kilogram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

(B) When the TOC mass rate is calculated, all organic compounds (minus methane and ethane) measured by Method 18 of 40 CFR part 60, appendix A shall be summed using the equation in paragraph (l)(3)(ii)(A) of this section.

(C) When the total HAP mass rate is calculated, only the HAP constituents shall be summed using the equation in paragraph (l)(3)(ii)(A) of this section.

(iii) The percent reduction in TOC (minus methane and ethane) or total HAP shall be calculated as follows:

ER01JY96.045

where:

R_{cd}=Control efficiency of control device, percent.

E_i=Mass rate of TOC (minus methane and ethane) or total HAP at the inlet to the control device as calculated under paragraph (l)(3)(ii) of this section, kilograms TOC per hour or kilograms HAP per hour.

E_o=Mass rate of TOC (minus methane and ethane) or total HAP at the outlet of the control device, as calculated under paragraph (l)(3)(ii) of this section, kilograms TOC per hour or kilograms HAP per hour.

(iv) If the vent stream entering a boiler or process heater is introduced with the combustion air or as a secondary fuel, the weight-percent reduction of total HAP or TOC (minus methane and ethane) across the device shall be determined by comparing the TOC (minus methane and ethane) or total HAP in all combusted vent streams and primary and secondary fuels with the TOC (minus methane and ethane) or total HAP exiting the device, respectively.

(4) To determine compliance with the enclosed combustion device total HAP concentration limit 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 HAP. Alternatively, any other method or data that has been validated according to Method 301 in 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 TOC concentration or total HAP concentration shall be calculated according to paragraph (m)(4)(ii)(A) or (m)(4)(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:

ER01JY96.046

where:

C_{TOC}=Concentration of total organic compounds 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 HAP concentration (C_{HAP}) shall be computed according to the equation in paragraph (l)(4)(ii)(A) of this section except that only HAP constituents shall be summed.

(iii) The measured TOC concentration or total HAP concentration shall be corrected to 3 percent oxygen as follows:

(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 ($\%O_{2dry}$). The samples shall be collected during the same time that the samples are collected for determining TOC concentration or total HAP concentration.

(B) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

ER01JY96.047

where:

C_c=TOC concentration or total HAP concentration corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_m=Measured TOC concentration or total HAP concentration, dry basis, parts per million by volume.

$\%O_{2dry}$=Concentration of oxygen, dry basis, percent by volume.

§ 63.695 Inspection and monitoring requirements.

(a) This section specifies the inspection and monitoring procedures required to perform the following:

(1) To inspect tank fixed-roofs and floating roofs for compliance with the Tank level 2 controls standards specified in § 63.685 of this subpart, the inspection procedures are specified in paragraph (b) of this section.

(2) To inspect and monitor closed-vent systems for compliance with the standards specified in § 63.693 of this subpart, the inspection and monitoring procedure are specified in paragraph (c) of this section.

(3) To inspect and monitor transfer system covers for compliance with the standards specified in § 63.689(c)(1) of this subpart, the inspection and monitoring procedure are specified in paragraph (d) of this section.

(b) *Tank Level 2 fixed roof and floating roof inspection requirements.* (1) Owners and operators that use a tank equipped with an internal floating roof in accordance with the provisions of § 63.685(e) of this subpart shall meet the following inspection requirements:

(i) The floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to, the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the waste surfaces from the atmosphere; or the slotted membrane has more than 10 percent open area.

(ii) The owner or operator shall inspect the internal floating roof components as follows except as provided for in paragraph (b)(1)(iii) of this section:

(A) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and

(B) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 10 years. Prior to each inspection, the owner or operator shall notify the Administrator in accordance with the reporting requirements specified in § 63.697 of this subpart.

(iii) As an alternative to performing the inspections specified in paragraph (b)(1)(ii) of this section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 5 years. Prior to each inspection, the owner or operator shall notify the Administrator in accordance with the reporting requirements specified in § 63.697 of this subpart.

(iv) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (b)(4) of this section.

(v) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.696 of this subpart.

(2) Owners and operators that use a tank equipped with an external floating roof in accordance with the provisions of § 63.685(f) of this subpart shall meet the following requirements:

(i) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:

(A) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every 5 years. Prior to each inspection, the owner or operator shall notify the Administrator in accordance with the reporting requirements specified in § 63.697 of this subpart.

(B) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 days after initial operation of the separator following installation of the floating roof and, thereafter, at least once every year. Prior to each inspection, the owner or operator shall notify the Administrator in accordance with the reporting requirements specified in § 63.697 of this subpart.

(C) If a tank ceases to hold off-site material for a period of 1 year or more, subsequent introduction of off-site material into the tank shall be considered an initial operation for the purposes of paragraphs (b)(2)(i)(A) and (b)(2)(i)(B) of this section.

(D) The owner shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the following procedure.

(*1*) The seal gap measurements shall be performed at one or more floating roof levels when the roof is floating off the roof supports.

(*2*) Seal gaps, if any, shall be measured around the entire perimeter of the floating roof in each place where a 0.32-centimeter (cm) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

(*3*) For a seal gap measured under paragraph (b)(2) of this section, the gap surface area shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

(*4*) The total gap area shall be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then are compared to the respective standards for the seal type as specified in § 63.685(f)(1) of this subpart.

(E) In the event that the seal gap measurements do not conform to the specifications in § 63.685(f)(1) of this subpart, the owner or opera-

tor shall repair the defect in accordance with the requirements of paragraph (b)(4) of this section.

(F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.696 of this subpart.

(ii) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

(A) The floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(B) The owner or operator shall perform the inspections following installation of the external floating roof and, thereafter, at least once every year.

(C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (b)(4) of this section.

(D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.696(d) of this subpart.

(3) Owners and operators that use a tank equipped with a fixed roof in accordance with the provisions of § 63.685(g) of this subpart shall meet the following requirements:

(i) The fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the separator wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(ii) The owner or operator shall perform the inspections following installation of the fixed roof and, thereafter, at least once every year.

(iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (b)(4) of this section.

(iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.696(e) of this subpart.

(4) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of paragraph (b)(1), (b)(2), or (b)(3) of this section in the following manner:

(i) The owner or operator shall within 45 calendar days of detecting the defect either repair the defect or empty the tank and remove it from service. If within this 45-day period the defect cannot be repaired or the tank cannot be removed from service without disrupting operations at the plant site, the owner or operator is allowed two 30-day extensions. In cases when an owner or operator elects to use a 30-day extension, the owner or operator shall prepare and maintain documentation describing the defect, explaining why alternative storage capacity is not available, and specify a schedule of actions that will ensure that the control equipment will be repaired or the tank emptied as soon as possible.

(ii) When a defect is detected during an inspection of a tank that has been emptied and degassed, the owner or operator shall repair the defect before refilling the tank.

(c) Owners and operators that use a closed vent system in accordance with the provisions of § 63.693 of this subpart shall meet the following inspection and monitoring requirements:

(1) Each closed-vent system that is used to comply with § 63.693(c)(1)(i) of this subpart shall be inspected and monitored in accordance with the following requirements:

(i) At initial startup, the owner or operator shall monitor the closed-vent system components and connections using the procedures specified in § 63.693(k) of this subpart to demonstrate that the closed-vent system operates with no organic detectable emissions.

(ii) After initial startup, the owner or operator shall inspect and monitor the closed-vent system as follows:

(A) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) shall be visually inspected at least once per year to check for defects that could result in air emissions. The owner or operator shall monitor a component or connection using the procedures specified in § 63.693(k) of this subpart to demonstrate that it operates with no detectable organic emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

(B) Closed-vent system components or connections other than those specified in paragraph (c)(1)(ii)(A) of this section, shall be monitored at least once per year using the procedures specified in § 63.693(k) of this subpart to demonstrate that components or connections operate with no detectable organic emissions.

(iii) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of paragraph (3) of this section.

(iv) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in § 63.696 of this subpart.

(2) Each closed-vent system that is used to comply with § 63.693(c)(1)(ii) of this subpart shall be inspected and monitored in accordance with the following requirements:

(i) The closed-vent system shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping; loose connections; or broken or missing caps or other closure devices.

(ii) The owner or operator shall perform the inspections following installation of the closed-vent system and, thereafter, at least once every year.

(iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (3) of this section.

(iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.696 of this subpart.

(3) The owner or operator shall repair all detected defects as follows:

(i) The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection.

(ii) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in § 63.696 of this subpart.

(d) Owners and operators that use a transfer system equipped with a cover in accordance with the provisions of § 63.689(c)(1) of this subpart shall meet the following inspection requirements:

(1) The cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover sections or between the cover and its mounting; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(2) The owner or operator shall perform the inspections following installation of the cover and, thereafter, at least once every year.

(3) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (5) of this section.

(4) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.696 of this subpart.

(5) The owner or operator shall repair all detected defects as follows:

(i) The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (c)(5)(ii) of this section.

(ii) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in § 63.696 of this subpart.

§ 63.696 Recordkeeping requirements.

(a) The owner or operator subject to this subpart shall comply with the recordkeeping requirements in § 63.10 under 40 CFR 63 subpart A—General Provisions that are applicable to this subpart as specified in Table 2 of this subpart.

(b) The owner or operator of a control device subject to this subpart shall maintain the records in accordance with the requirements of 40 CFR 63.10 of this part.

(c) [Reserved]

(d) Each owner or operator using an internal floating roof to comply with the tank control requirements specified in § 63.685(e) of this subpart or using an external floating roof to comply with the tank control requirements specified in § 63.685(f) of this subpart shall prepare and maintain the following records:

(1) Documentation describing the floating roof design and the dimensions of the tank.

(2) A record for each inspection required by § 63.695(b) of this subpart, as applicable to the tank, that includes the following information: a tank identification number (or other unique identification description as selected by the owner or operator) and the date of inspection.

(3) The owner or operator shall record for each defect detected during inspections required by § 63.695(b) of this subpart the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of § 63.695(b)(4) of this section, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

(4) Owners and operators that use a tank equipped with an external floating roof in accordance with the provisions of § 63.685(f) of this subpart shall prepare and maintain records for each seal gap inspection required by § 63.695(b) describing the results of the seal gap measurements. The records shall include the date of that the

measurements are performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in § 63.695(b) of this subpart, the records shall include a description of the repairs that were made, the date the repairs were made, and the date the separator was emptied, if necessary.

(e) Each owner or operator using a fixed roof to comply with the tank control requirements specified in § 63.685(g) of this subpart shall prepare and maintain the following records:

(1) A record for each inspection required by § 63.695(b) of this subpart, as applicable to the tank, that includes the following information: a tank identification number (or other unique identification description as selected by the owner or operator) and the date of inspection.

(2) The owner or operator shall record for each defect detected during inspections required by § 63.695(b) of this subpart the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of § 63.695(b)(4) of this section, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

(f) Each owner or operator using an enclosure to comply with the tank control requirements specified in § 63.685(i) of this subpart shall prepare and maintain records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B.

(g) An owner or operator shall record, on a semiannual basis, the information specified in paragraphs (g)(1) and (g)(2) of this section for those planned routine maintenance operations that would require the control device not to meet the requirements of § 63.693(d) through (h) of this subpart, as applicable.

(1) 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.

(2) 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 these 6 months that the control device did not meet the requirement of § 63.693 (d) through (h) of this subpart, as applicable, due to planned routine maintenance.

(h) An owner or operator shall record the information specified in paragraphs (h)(1) through (h)(3) of this section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of § 63.693 (d) through (h) of this subpart, as applicable.

(1) The occurrence and duration of each malfunction of the control device system.

(2) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.

(3) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

§ 63.697 Reporting requirements.

(a) The owner or operator subject to this subpart shall comply with the notification requirements in § 63.9 and the reporting requirements in § 63.10 under 40 CFR 63 subpart A—General Provisions that are applicable to this subpart as specified in Table 2 of this subpart.

(b) The owner or operator of a control device used to meet the requirements of § 63.693 of this subpart shall submit the following reports to the Administrator:

(1) A Notification of Performance Tests specified in § 63.7 and § 63.9(g) of this part,

(2) Performance test reports specified in § 63.10(d)(2) of this part

(3) Startup, shutdown, and malfunction reports specified in § 63.10(d)(5) of this part,

(i) 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 not completely consistent with the procedures specified in the source's startup, shutdown, and malfunction plan specified in § 63.6(e)(3) of this part, the owner or operator shall state such information in the report. The startup, shutdown, or malfunction report shall consist of a letter, containing the name, title, and signature of the responsible official who is certifying its accuracy, that shall be submitted to the Administrator, and

(ii) Separate startup, shutdown, or malfunction reports are not required if the information is included in the report specified in paragraph (b)(6) of this section.

(4) A summary report specified in § 63.10(e)(3) of this part shall be submitted on a semi-annual basis (i.e., once every 6-month period).

(c) Each owner or operator using an internal floating roof or external floating roof to comply with the Tank Level 2 control requirements specified in § 63.685(d) of this subpart shall notify the Administrator in advance of each inspection required under § 63.695(b) of this subpart to provide the Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Administrator of the date and location of the inspection as follows:

(1) Prior to each inspection to measure external floating roof seal gaps as required under § 63.695(b) of this subpart, written notification shall be prepared and sent by the owner or operator so that it is received by the Administrator at least 30 calendar days before the date the measurements are scheduled to be performed.

(2) Prior to each visual inspection of an internal floating roof or external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (c)(3) of this section.

(3) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Administrator at least 7 calendar days before refilling the tank.

§ 63.698 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 112(d) of the Act, the authority listed in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authority will not be delegated to States for § 63.694 of this subpart.

TABLE 1 TO SUBPART DD.—LIST OF HAZARDOUS AIR POLLUTANTS (HAP) FOR SUBPART DD

CAS No.[a]	Chemical name	$f_{m,205}$
75070	Acetaldehyde	1.000
75058	Acetonitrile	0.989
98862	Acetophenone	0.314
107028	Acrolein	1.000
107131	Acrylonitrile	0.999
107051	Allyl chloride	1.000
71432	Benzene (includes benzene in gasoline)	1.000
98077	Benzotrichloride (isomers and mixture)	0.858
100447	Benzyl chloride	1.000
92524	Biphenyl	0.864
542881	Bis(chloromethyl)ether[c]	0.999
75252	Bromoform	0.998
106990	1,3-Butadiene	1.000
75150	Carbon disulfide	1.000
56235	Carbon tetrachloride	1.000
43881	Carbonyl sulfide	1.000
133904	Chloramben	0.633
108907	Chlorobenzene	1.000
67663	Chloroform	1.000
107302	Chloromethyl methyl ether[b]	1.000
126998	Chloroprene	1.000
98828	Cumene	1.000
94757	2,4-D, salts and esters	0.167
334883	Diazomethane[c]	0.999
132649	Dibenzofurans	0.967
96128	1,2-Dibromo-3-chloropropane	1.000
106467	1,4-Dichlorobenzene(p)	1.000
107062	Dichloroethane (Ethylene dichloride)	1.000
111444	Dichloroethyl ether (Bis(2-chloroethyl ether)	0.757
542756	1,3-Dichloropropene	1.000
79447	Dimethyl carbamoyl chloride[c]	0.150
57147	1,1-Dimethyl hydrazine	0.323
64675	Diethyl sulfate	0.0025
77781	Dimethyl sulfate	0.086
121697	N,N-Dimethylaniline	0.0008
51285	2,4-Dinitrophenol	0.0077
121142	2,4-Dinitrotoluene	0.0848
123911	1,4-Dioxane (1,4-Diethyleneoxide)	0.869
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	0.939
106887	1,2-Epoxybutane	1.000

TABLE 1 TO SUBPART DD.—LIST OF HAZARDOUS AIR POLLUTANTS (HAP) FOR SUBPART DD—Continued

CAS No.[a]	Chemical name	f_{m305}
140885	Ethyl acrylate	1.000
100414	Ethyl benzene	1.000
75003	Ethyl chloride (Chloroethane)	1.000
106934	Ethylene dibromide (Dibromoethane)	0.999
107062	Ethylene dichloride (1,2-Dichloroethane)	1.000
151564	Ethylene imine (Aziridine)	0.867
75218	Ethylene oxide	1.000
75343	Ethylidene dichloride (1,1-Dichloroethane)	1.000
	Glycol ethers[e]	(e)
118741	Hexachlorobenzene	0.97
87683	Hexachlorobutadiene	0.86
67721	Hexachloroethane	0.498
110543	Hexane	1.000
78591	Isophorone	0.506
58899	Lindane (all isomers)	1.000
67561	Methanol	0.855
74839	Methyl bromide (Bromomethane)	1.000
74873	Methyl chloride (Chloromethane)	1.000
71556	Methyl chloroform (1,1,1-Trichloroethane)	1.000
78933	Methyl ethyl ketone (2-Butanone)	0.990
74884	Methyl iodide (Iodomethane)	1.000
108101	Methyl isobutyl ketone (Hexone)	0.979
624839	Methyl isocyanate	1.000
80626	Methyl methacrylate	0.999
1634044	Methyl tert butyl ether	1.000
75092	Methylene chloride (Dichloromethane)	1.000
91203	Naphthalene	0.994
98953	Nitrobenzene	0.394
79469	2-Nitropropane	0.889
82688	Pentachloronitrobenzene (Quintobenzene)	0.839
87865	Pentachlorophenol	0.0898
75445	Phosgene[c]	1.000
123386	Propionaldehyde	0.998
78875	Propylene dichloride (1,2-Dichloropropane)	1.000
75569	Propylene oxide	1.000
75558	1,2-Propylenimine (2-Methyl aziridine)	0.945
100425	Styrene	1.000
96093	Styrene oxide	0.830
79345	1,1,2,2-Tetrachloroethane	0.999
127184	Tetrachloroethylene (Perchloroethylene)	1.000
108883	Toluene	1.000
95534	o-Toluidine	0.152
120821	1,2,4-Trichlorobenzene	1.000
71556	1,1,1-Trichloroethane (Methyl chloriorm)	1.000
79005	1,1,2-Trichloroethane (Vinyl trichloride)	1.000
79016	Trichloroethylene	1.000
95954	2,4,5-Trichlorophenol	0.108
88062	2,4,6-Trichlorophenol	0.132
121448	Triethylamine	1.000
540841	2,2,4-Trimethylpentane	1.000
108054	Vinyl acetate	1.000
593602	Vinyl bromide	1.000
75014	Vinyl chloride	1.000
75354	Vinylidene chloride (1,1-Dichloroethylene)	1.000
1330207	Xylenes (isomers and mixture)	1.000
95476	o-Xylenes	1.000
108383	m-Xylenes	1.000
106423	p-Xylenes	1.000

Notes:

f_{m305}=Method 305 fraction measure factor

a. CAS numbers refer to the Chemical Abstracts Services registry number assigned to specific compounds, isomers, or mixtures of compounds.

b. Denotes a HAP that hydrolyzes quickly in water, but the hydrolysis products are also HAP chemicals.

c. Denotes a HAP that may react violently with water, exercise caustic is an expected analyte.

d. Denotes a HAP that hydrolyzes slowly in water.

e. Several glycol ethers meet the criteria used to select HAP for the purposes of this subpart. The f_{m305} factors for some of the more common glycol ethers are listed below:

Ethylene glycol dimethyl ether (f_{m305}=0.861)

Ethylene glycol monoethyl ether acetate (f_{m305}=0.0687)

Ethylene glycol monomethyl ether acetate (f_{m305}=0.0926)

Diethylene glycol diethyl ether (f_{m305}=0.216)

TABLE 2 TO SUBPART DD.—APPLICABILITY OF PARAGRAPHS IN 40 CFR 63 SUBPART A, GENERAL PROVISIONS, TO SUBPART DD

Subpart A reference	Applies to subpart DD	Comment
63.1(a)(1)	Yes.	
63.1(a)(2)	Yes.	
63.1(a)(3)	Yes.	
63.1(a)(4)	No	Subpart DD (this table) specifies applicability of each paragraph in subpart A to subpart DD.
63.1(a)(5)–63.1(a)(9)	No.	
63.1(a)(10)	Yes.	
63.1(a)(11)	Yes.	
63.1(a)(12)	Yes.	
63.1(a)(13)	Yes.	
63.1(a)(14)	Yes.	
63.1(b)(1)	No	Subpart DD specifies its own applicability.
63.1(b)(2)	Yes.	
63.1(b)(3)	No.	
63.1(c)(1)	No	Subpart DD explicitly specifies requirements that apply.
63.1(c)(2)	No	Area sources are not subject to subpart DD.
63.1(c)(3)	No.	
63.1(c)(4)	Yes.	
63.1(c)(5)	Yes	Except that sources are not required to submit notifications overridden by this table.
63.1(d)	No.	
63.1(e)	No.	
63.2	Yes	§ 63.681 of subpart DD specifies that if the same term is defined in subparts A and DD, it shall have the meaning given in subpart DD.
63.3	Yes.	
63.4(a)(1)–63.4(a)(3)	Yes.	
63.4(a)(4)	No	Reserved.
63.4(a)(5)	Yes.	
63.4(b)	Yes.	
63.4(c)	Yes.	
63.5(a)(1)	Yes	Except replace term "source" and "stationary source" in § 63.5(a)(1) of subpart A with "affected source."
63.5(a)(2)	Yes.	
63.5(b)(1)	Yes.	
63.5(b)(2)	No	Reserved.
63.5(b)(3)	Yes.	
63.5(b)(4)	Yes	Except the cross-reference to § 63.9(b) is changed to § 63.9(b)(4) and (5). Subpart DD overrides § 63.9(b)(2) and (b)(3).
63.5(b)(5)	Yes.	
63.5(b)(6)	Yes.	
63.5(c)	No	Reserved.
63.5(d)(1)(i)	Yes.	
63.5(d)(1)(ii)	Yes.	
63.5(d)(1)(iii)	Yes.	
63.5(d)(2)	No.	
63.5(d)(3)	Yes.	
63.5(d)(4)	Yes.	
63.5(e)	Yes.	
63.5(f)(1)	Yes.	
63.5(f)(2)	Yes.	
63.6(a)	Yes.	
63.6(b)(1)	No	Subpart DD specifies compliance dates for sources subject to subpart DD.
63.6(b)(2)	No.	
63.6(b)(3)	Yes.	
63.6(b)(4)	No	May apply when standards are proposed under section 112(f) of the Clean Air Act.
63.6(b)(5)	No	§ 63.687 of subpart DD includes notification requirements.
63.6(b)(6)	No.	
63.6(b)(7)	No.	
63.6(c)(1)	No	§ 63.680 of subpart DD specifies the compliance date.
63.6(c)(2)–63.6(c)(4)	No.	
63.6(c)(5)	Yes.	
63.6(d)	No.	
63.6(e)	Yes.	
63.6(f)(1)	Yes.	
63.6(f)(2)(i)	Yes.	
63.6(f)(2)(ii)	Yes	Subpart DD specifies the use of monitoring data in determining compliance with subpart DD.
63.6(f)(2)(iii) (A), (B), and (C)	Yes.	

TABLE 2 TO SUBPART DD.—APPLICABILITY OF PARAGRAPHS IN 40 CFR 63 SUBPART A, GENERAL PROVISIONS, TO SUBPART DD—Continued

Subpart A reference	Applies to subpart DD	Comment
63.6(f)(2)(iii) (D)	No.	
63.6(f)(2)(iv)	Yes.	
63.6(f)(2)(v)	Yes.	
63.6(f)(3)	Yes.	
63.6(g)	Yes.	
63.6(h)	No	Subpart DD does not require opacity and visible emission standards.
63.6(i)	Yes	Except for §63.6(i)(15), which is reserved.
63.6(j)	Yes.	
63.7(a)(1)	No	Subpart DD specifies required testing and compliance demonstration procedures.
63.7(a)(2)	Yes.	
63.7(a)(3)	Yes.	
63.7(b)	No.	
63.7(c)	No.	
63.7(d)	Yes.	
63.7(e)(1)	Yes.	
63.7(e)(2)	Yes.	
63.7(e)(3)	No	Subpart DD specifies test methods and procedures.
63.7(e)(4)	Yes.	
63.7(f)	No	Subpart DD specifies applicable methods and provides alternatives.
63.7(g)	Yes.	
63.7(h)(1)	Yes.	
63.7(h)(2)	Yes.	
63.7(h)(3)	Yes.	
63.7(h)(4)	No.	
63.7(h)(5)	Yes.	
63.8(a)	No.	
63.8(b)(1)	Yes.	
63.8(b)(2)	No	Subpart DD specifies locations to conduct monitoring.
63.8(b)(3)	Yes.	
63.8(c)(1)(i)	Yes.	
63.8(c)(1)(ii)	Yes.	
63.8(c)(1)(iii)	Yes.	
63.8(c)(2)	Yes.	
63.8(c)(3)	Yes.	
63.8(c)(4)	No	Subpart DD specifies monitoring frequency
63.8(c)(5)–63.8(c)(8)	No.	
63.8(d)	No.	
63.8(e)	No.	
63.8(f)(1)	Yes.	
63.8(f)(2)	Yes.	
63.8(f)(3)	Yes.	
63.8(f)(4)(i)	Yes.	
63.8(f)(4)(ii)	Yes.	
63.8(f)(4)(iii)	No.	
63.8(f)(5)(i)	Yes.	
63.8(f)(5)(ii)	No.	
63.8(f)(5)(iii)	Yes.	
63.8(f)(6)	Yes.	
63.8(g)	Yes.	
63.9(a)	Yes.	
63.9(b)(1)(i)	Yes.	
63.9(b)(1)(ii)	No.	
63.9(b)(2)	Yes.	
63.9(b)(3)	No.	
63.9(b)(4)	Yes.	
63.9(b)(5)	Yes.	
63.9(c)	Yes.	
63.9(d)	Yes.	
63.9(e)	No.	
63.9(f)	No.	
63.9(g)	No.	
63.9(h)	Yes.	
63.9(i)	Yes.	
63.9(j)	No.	
63.10(a)	Yes.	
63.10(b)(1)	Yes.	
63.10(b)(2)(i)	Yes.	
63.10(b)(2)(ii)	Yes.	
63.10(b)(2)(iii)	No.	

TABLE 2 TO SUBPART DD.—APPLICABILITY OF PARAGRAPHS IN 40 CFR 63 SUBPART A, GENERAL PROVISIONS, TO SUBPART DD—Continued

Subpart A reference	Applies to subpart DD	Comment
63.10(b)(2)(iv)	Yes.	
63.10(b)(2)(v)	Yes.	
63.10(b)(2) (vi)–(ix)	No.	
63.10(b)(2)(x)	Yes.	
63.10(b)(2) (xii)–(xiv)	No.	
63.10(b)(3)	No.	
63.10(c)	No.	
63.10(d)(1)	No.	
63.10(d)(2)	Yes.	
63.10(d)(3)	No.	
63.10(d)(4)	Yes.	
63.10(d)(5)(i)	Yes.	
63.10(d)(5)(ii)	Yes.	
63.10(e)	No.	
63.10(f)	Yes.	
63.11–63.15	Yes.	

Note: Wherever subpart A 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 by the specified dates, but a postmark is not required.

TABLE 3 TO SUBPART DD.—TANK CONTROL LEVELS FOR TANKS AT EXISTING AFFECTED SOURCES AS REQUIRED BY 40 CFR 63.685(b)(1)

Tank design capacity (cubic meters)	Maximum HAP vapor pressure of off-site material managed in tank (kilopascals)	Tank control level
Design capacity less than 75 m^3	Maximum HAP vapor pressure less than 76.6 kPa	Level 1.
Design capacity equal to or greater than 75 m^3 and less than 151 m^3.	Maximum HAP vapor pressure less than 27.6 kPa	Level 1.
	Maximum HAP vapor pressure equal to or greater than 27.6 kPa.	Level 2.
Design capacity equal to or greater than 151 m^3	Maximum HAP vapor pressures less than 5.2 kPa	Level 1.
	Maximum HAP vapor pressure equal to or greater than 5.2 kPa.	Level 2.

TABLE 4 TO SUBPART DD.—TANK CONTROL LEVELS FOR TANKS AT NEW AFFECTED SOURCES AS REQUIRED BY 40 CFR 63.685(b)(2)

Tank design capacity (cubic meters)	Maximum HAP vapor pressure of off-site material managed in tank (kilopascals)	Tank control level
Design capacity less than 38 m^3	Maximum HAP vapor pressure less than 76.6 kPa	Level 1.
Design capacity equal to or greater than 38 m^3 and less than 151 m^3.	Maximum HAP vapor pressure less than 13.1 kPa	Level 1.
	Maximum HAP vapor pressure equal to or greater than 13.1 kPa.	Level 2.
Design capacity equal to or greater than 151 m^3	Maximum HAP vapor pressure less than 0.7 kPa	Level 1.
	Maximum HAP vapor pressure equal to or greater than 0.7 kPa.	Level 2.

Appendix H. Plant Haul Road Fugitive Dust Control Plan

ASH GROVE CEMENT COMPANY
FOREMAN, ARKANSAS

PLANT HAUL ROAD
FUGITIVE DUST CONTROL PLAN

JUNE, 2002

PAVED HAUL ROADS

Each paved haul road source must emit at a rate equal to or less than that designated, in the attached emission calculation documentation, as its controlled emission rate by utilizing one of the control methods listed below. Applicable testing, monitoring, and recordkeeping will be performed.

Control Method 1 – Paved Road Washing

During any day that the paved haul road is utilized, the paved road will be washed such that the surface loading that will result in the control emission rate in Table 1 will be maintained. If the ambient temperature during the day is less than 35 degrees Fahrenheit, the fugitive dust controls will be postponed for that operating day. Further, if the daily precipitation is greater than 0.1 inches, or there is snow or ice cover, additional controls will not be required for the day.

Testing. The rate and frequency for washing will be determined through the following quarterly testing. To obtain the necessary surface loading, the facility will wash the paved haul road utilizing a known application intensity (volume per area) and record the time of application. After waiting a predetermined time period, the facility will collect a sample from the paved haul road surface to determine the controlled surface loading of silt. The amount of time between samples that achieves the desired surface loading will be the same as the time necessary between washing

Recordkeeping. On days that the facility is in operation, the following records will be maintained:

1. The time, date and volume of each water application to each paved haul road; or
2. Temperature readings at startup of the facility and at 1:00 p.m. If the temperature at startup is below 35°F, no watering will be utilized. The temperature will also be recorded at 1:00 p.m. If the temperature at 1:00 p.m. is below 35°F, no watering will be utilized for the day. If either reading results in temperatures above 35°F water will be applied and the facility will record the date, time, method, and quantity of water application. If the facility is operating at night, temperatures will not be re-checked if the 1:00 p.m. temperature reading is below 35°F and water sprays have not been utilized for that day. This is because it is unlikely that the temperature will rise throughout the nighttime hours due to a lack of sunlight and radiative cooling or
3. Precipitation at startup of the facility and at 1:00 p.m. Precipitation considered will be that precipitation collected by an onsite rain gauge for the day in question. If precipitation is occurring at startup, but has not reached 0.1 inches for the day, no watering will be utilized. The precipitation will then be recorded at 1:00 p.m. If the precipitation at 1:00 p.m. is above 0.1 inches, no watering will be utilized for the day. Otherwise, water will be applied and the facility will record the date, time, method, and quantity of water application; or
4. Snow or ice cover at startup and at 1:00 p.m. If snow or ice cover exists at startup, no watering will be utilized. Snow or ice cover will then be recorded at 1:00 p.m. If there is snow or ice cover at 1:00 p.m., no watering will be utilized for the day. Otherwise, water will be applied and the facility will record the date, time, method, and quantity of water application.

5. Required records and the results of all monitoring, maintenance, repairs, and corrective actions if necessary, shall be maintained on site for a minimum period of five (5) consecutive years. These records shall be clear and readily accessible to Department representatives.

Control Method 2 – Reduction in Utilization

The emissions calculations upon which the controlled emission rates are based, indicate the maximum daily number of trucks that will travel on the haul road and the amount of emission control required to achieve the controlled emission rate. If the facility operates at a low capacity such that the actual uncontrolled emission rate is less than the potential controlled emission rate, additional control is not required.

Monitoring. To utilize this control method, the facility must record hourly haul truck rates for the associated road segments indicating that the traffic volumes are low enough to not require additional controls to achieve the controlled emission rates.

Recordkeeping. Records of the hourly haul truck rates will be recorded and maintained for a period of 5 years. These records shall be clear and readily accessible to Department representatives.

UNPAVED ROADS

Each unpaved road source must emit at a rate equal to or less than that designated as its controlled emission rate, in the attached emission calculation in Table 1, by utilizing one of the control methods listed below. Applicable testing, monitoring, and recordkeeping will be performed.

Control Method 1 – Haul Road Watering

During any day that the haul road is utilized, water will be applied to achieve the controlled emission rate. If the ambient temperature during the day is less than 35 degrees Fahrenheit the fugitive dust controls will be postponed for that operating day. Further, if the daily precipitation is greater than 0.1 inches, or there is existing snow or ice cover, additional controls are not required for the day.

Testing. The rate and frequency for application of water will be determined using one of the two following test methods.

Determination of Rate of Frequency 1: A technical memorandum regarding haul road emissions[1] compared control efficiency determined from test data with estimates based on EPA guidance documents[2], and found that the control efficiency can be calculated by using the following equation:

$$C = 62 + 6.7M, \text{ for } 2 < \text{or} = M < \text{or} = 5$$

where: C = instantaneous control efficiency (%)
M = ratio of controlled to uncontrolled surface moisture contents.

To obtain the necessary control measures, the haul road surface material to be controlled should first be sampled to determine the initial percent moisture content of the road. This value will be used to determine "M" in the equation above. Then, the facility should water the haul road utilizing a known application intensity (volume per area) and record the time of application. After waiting a predetermined time period, the facility will re-sample the haul road surface material to determine the residual percent moisture content. To determine "M", the facility will divide the residual percent moisture content by the initial percent moisture content. "M" will then be inserted into the equation to determine the control efficiency. The amount of time between samples will be the same as the time necessary between water applications. Note that if the calculated control efficiency is higher or lower than required, adjustments can be made to the application intensity and time between applications. To determine the necessary application intensity and application frequency for each quarter of the year, testing will be performed on a quarterly basis for the first year.

Reporting. The results for this testing will be submitted for approval upon completion.

---

[1] Revisions to AP-42 Section 13.2.2, "Unpaved Roads," EPA Contract 68-D-1-002, Work Assignment No. 1 1-03, MRI Project No. 110130.1.003.

[2] Control of Open Fugitive Dust Sources, EPA 450/3-88-008, September 1998.

Recordkeeping. On days that the facility is in operation, the following records will be maintained:

1. The time, date, travel distance, and volume of each water application to each haul road; or
2. Temperature readings at startup of the facility and at 1:00 p.m. If the temperature at startup is below 35°F, no watering will be utilized. The temperature will also be recorded at 1:00 p.m. If the temperature at 1:00 p.m. is below 35°F, no watering will be utilized for the day. If either reading results in temperatures above 35°F water will be applied and the facility will record the date, time, method, and quantity of water application. If the facility is operating at night, temperatures will not be re-checked if the 1:00 p.m. temperature reading is below 35°F and water sprays have not been utilized for that day. This is because it is unlikely that the temperature will rise throughout the nighttime hours due to a lack of sunlight and radiational cooling; or
3. Precipitation at startup of the facility and at 1:00 p.m. Precipitation considered will be that precipitation collected by an onsite raingauge for the day in question. If precipitation is occurring at startup, but has not reached 0.1 inches for the day, no watering will be utilized. The precipitation will then be recorded at 1:00 p.m. If the precipitation at 1:00 p.m. is above 0.1 inches, no watering will be utilized for the day. Otherwise, water will be applied and the facility will record the date, time, method, and quantity of water application; or
4. Snow or ice cover at startup and at 1:00 p.m. If snow or ice cover exists at startup, no watering will be utilized. Snow or ice cover will then be recorded at 1:00 p.m. If there is snow or ice cover at 1:00 p.m., no watering will be utilized for the day. Otherwise, water will be applied and the facility will record the date, time, method, and quantity of water application.
5. Required records and the results of all monitoring, maintenance, repairs, and corrective actions if necessary, shall be maintained on site for a minimum period of five (5) consecutive years. These records shall be clear and readily accessible to Department representatives.

Testing. *Determination of Rate of Frequency 2:* An empirical model for the performance of water as a control technique has been developed. This model is taken from pages 141 through 144 of the Air Pollution Engineering Manual (Cowherd, Jr., Chatten and John S., and John S. Kinsey, AWMA, 1992). The model is represented using the following equation.

$$C = 100 - (0.8pdt/i)$$

where: C = average control efficiency (%)
p = potential average hourly daytime evaporation rate (mm/h)
d = average hourly daytime traffic rate (h^{-1})
t = time since last application (hours), and
i = application intensity (L/m^2).

The mean annual average pan evaporation rate is provided by Figure 13.2.2-2 in AP-42 section 13.2.2. The potential hourly evaporation rate is calculated by multiplying the annual rate (approximately 60 inches for the Weeping Water area) by 0.0049.

p = 0.0049 X 60 = 0.294 mm per hour

The control efficiency calculated by the equation is dependent on the application intensity and time since last application. The facility will determine the necessary application intensity and application frequency for each haul road.

Recordkeeping. On days that the facility is in operation, the following records will be maintained:

1. The time, date, travel distance, and volume of each water application to each haul road.

   An example of typical watering quantities and frequencies computed by using the equation presented above are provided in Table 1. The following example is for haul road source number HR01. Haul road HR01 is 1.39 miles. Table 1 indicates that 5,306 gallons of water are needed over the extent of the road every 2 hours to ensure 90 percent control on haul road HR01; or

TABLE 1. TYPICAL QUANTITIES AND WATERING FREQUENCIES FOR HAUL ROAD HR01.

Source I.D.	C	p	d	Water (gal)	Water (Liters)	Area (M^2)	i	t (hours)
2240	90.0	0.294	26.0	5,306	20,084	16,421	1.22	2
				10,612	40,167		2.45	4
				15,918	60,251		3.67	6
				21,225	80,335		4.89	8

2. Temperature readings at startup of the facility and at 1:00 p.m. (If the temperature at startup is below 35°F, no watering will be utilized. The temperature will also be recorded at 1:00 p.m. If the temperature at 1:00 p.m. is below 35°F, no watering will be utilized for the day. If either reading results in temperatures above 35°F, water will be applied and the facility will record the date, time, method, and quantity of water application). If the facility is operating at night, temperatures will not be re-checked if the 1:00 p.m. temperature reading is below 35°F and watering has not been utilized for that day. This is because it is unlikely that the temperature will rise throughout the nighttime hours due to a lack of sunlight and radiational cooling; or
3. Precipitation at startup of the facility and at 1:00 p.m. (Precipitation considered will be that precipitation collected by an onsite raingauge for the day in question. If precipitation is occurring at startup, but has not reached 0.1 inches for the day, no watering will be utilized. The precipitation will then be recorded at 1:00 p.m. If the precipitation at 1:00 p.m. is above 0.1 inches, no watering will be utilized for the day. Otherwise, water will be applied and the facility will record the date, time, method, and quantity of water application); or
4. Snow or ice cover at startup and at 1:00 p.m. (If snow or ice cover exists at startup, no watering will be utilized. Snow or ice cover will then be recorded at 1:00 p.m. If there is snow or ice cover at 1:00 p.m., no watering will be utilized for the day. Otherwise, water will be applied and the facility will record the date, time, method, and quantity of water application)
5. Required records and the results of all monitoring, maintenance, repairs, and corrective actions if necessary, shall be maintained on site for a minimum period of five (5) consecutive years. These records shall be clear and readily accessible to Department representatives.

Control Method 2 – Suppressant Application

The ground inventory of suppressant will be maintained to achieve the controlled emission rate.

Testing. The control efficiency of chemical dust suppressants depends primarily on the dilution rate used in the mixture, the application rates, and the time between reapplications. AP-42 Section 13.2.2

provides a method to estimate average control efficiencies associated with suppressants applied to unpaved roads. The control efficiencies, and associated application rates and concentrations, will be determined utilizing the method in AP-42 Section 13.2.2 unless alternative suppressant application rate data is available from the suppressant vendor. If a method other than the one specified in AP-42 is utilized, prior approval will be required by the administrator.

Recordkeeping. The time, date, volume, and suppressant concentration of each application will be maintained for a period of 5 years. The calculations and associated documentation upon which the suppressant application rate is based will also be maintained onsite for a period of 5 years. These records shall be clear and readily accessible to Department representatives.

Control Method 3 – Surface Material Silt Reduction

The facility will replace the haul road surface material to lower the surface silt content such that the controlled emission rate is achieved.

Testing. The facility will apply a different surface material (such as a screened, or washed, gravel) to the haul road and conduct silt and moisture content testing to determine the amount of silt and moisture contained within the new material. Using the emissions calculation methodologies upon which the controlled emission rate is based, the potential to emit of the road segment will be re-calculated. If this potential to emit is greater than the controlled potential to emit listed the attached emission calculation documentation, the associated additional level of control necessary to achieve the controlled emission rate in the attached emission calculation documentation will be determined.

Monitoring. Monthly silt content and moisture content testing will be conducted. When a monthly silt content result is above that needed to achieve the controlled emission rate, new surface material will be applied to the road surface within 2 weeks. If the moisture content is too low, to result in controlled emission levels, one of the other identified control methods will be required to achieve the controlled emissions levels, and all recordkeeping, monitoring, and testing associated with that control method will be required.

Recordkeeping. Records of any surface material changes and silt content testing will be maintained for five years. Records of any re-calculated potential to emit emission rates and any associated additional control requirements needed to achieve the controlled rates will also be recorded for five years. These records shall be clear and readily accessible to Department representatives.

Control Method 4 – Reduction in Utilization

The emissions calculations upon which the controlled emission rates are based indicate the maximum daily number of trucks that will travel on the haul road and the amount of emission control required to achieve the controlled emission rate. If the facility operates at a low capacity such that the actual uncontrolled emission rate is less than the potential controlled emission rate, additional control is not required.

Monitoring. To utilize this control method, the facility must record hourly haul truck rates for the associated road segments indicating that the traffic volumes are low enough to not require additional controls to achieve the controlled emission rates.

Recordkeeping. Records of the hourly haul truck rates will be recorded and maintained for a period of 5 years. These records shall be clear and readily accessible to Department representatives.

Control Method 5 – Reduction in Vehicle Speed

The emissions calculations for the controlled emission rates are also based on the mean vehicle speed of the haul trucks.. If the mean vehicle speed is less than 15 mph, a factor of S/15 (where S = mean vehicle speed) can be taken into account. The facility will have a mean vehicle speed less than 15 mph on their haul roads. Signs posting the plant speed limit will be placed at the entrance of the facility near the plant.

Recordkeeping. Records verifying the speed limit signs are posted will be collected on an annual basis and maintained for a period of five years. These records shall be clear and readily accessible to Department representatives.

Rates

Potential Hourly Trips = Maximum Hourly Rate / Truck Capacity
Potential Hourly Vehicle Miles Traveled = Potential Hourly Trips x Round Trip Distance

Emission Limit/Calculation Methods

The emissions from rolling stock per vehicle mile traveled (VMT) have been calculated by multiplying VMT per unit of time by the equation provided in AP-42 for unpaved roads.

UNPAVED ROADS-Source AP-42 section 13.2.2, 9/98

PM:	PM10:
k = 10 a	k = 2.6
= 0.8 b	a = 0.8
= 0.5 c	b = 0.4
= 0.4	c = -0.3

For Paved roads, a 95% control efficiency has been applied to the use of the unpaved haul road equation to account for the combination of paving, sweeping.
For Unpaved roads, a 90% control efficiency has been applied to acount for a daily/documented haul road watering program.
precip.

AP-42 Table 13.2.2-1 (1/95) provides a range of unpaved quarry road silt contents. The mean value of 8.3% is used for unpaved roads.

The value of p, 97.6, was obtained from a 30 year average of Shreveport, LA met data M = 1.2% was based on samples of the surface moisture content.

Nomenclat

E: Emission Factor

k: Particle Size Multiplier (lb/VMT)

s: Silt content of road surface material (%

M: Dry moisture content of surface mate

S: Mean vehicle speed (mph)

W: Mean vehicle weight (tons)

w: Mean number of wheels
p: Mean # of days with at least 0.01 inch precip.

x: Round trip distance traveled

n: Number of trips.

Calculations

Emission Annual Point Number Number Controlle	Source I.D.	Description	Operatin g Hours Operatin of Trips Operatin g Hours (hrs/yr)	Potentia Unpaved	silt (s)	Surface Controlled Paved/ ll Hourly Surface (M)	Speed Moisture	Weight (S)	Precip. (W)	Surface Controlled Control (p)	Controlled PM10 Emission Controlle Moisture PM Factor (%)	Controlled Controlled PM PM Control Controlled Emission (lbs/VMT) (lbs/VMT)	One-way Emission Factor PM Distance Factor	(miles)	Travel Emission Controlled Round Comments		Maximum Round Factor PM10 Hourly Distance	Potential Potential Hourly Maximum Distance Controlle Number Comments	Hourly (miles) d PM10 Potentia (tons)	Potential Potential Hourly Number Round Controlled (n) (lbs/hr)	Potential Potential Annual Potentia Trip Controlled VMT (tons/yr)	Poter Poter Hou Hou Contr P
SN-R20	Cement1-13	Fugitive Emissions From Plant Haul Roads (See Product	8760	P	8.3	1.2	10.0	26.3	97.6	95	0.07	0.26	0.41	Trucks go one way only	0.41		225	8.2	3.362	0.864	3.67	0.
SN-R20	CKD1-12	Fugitive Emissions From Plant Haul Roads (See Product	8760	P	8.3	1.2	10.0	22.5	97.6	95	0.06	0.24	0.79	Trucks go down and back	1.58		100	5.0	7.9	1.921	8.41	0.
SN-R20	CKD13-26	Fugitive Emissions From Plant Haul Roads (See Product	8760	U	8.3	1.2	15.0	22.5	97.6	90	0.19	0.73	0.79	Trucks go down and back	1.58		100	5.0	7.9	5.763	25.24	1
SN-R20	Gypsum2-5, 8	Fugitive Emissions From Plant Haul Roads (See Product	3650	P	8.3	1.2	10.0	26.3	97.6	95	0.07	0.26	0.19	Trucks go down and back	0.38	8 trucks per hour, 10 hours per day	200	8.0	3.04	0.799	1.46	0
SN-R20	Gypsum1,6, 7	Fugitive Emissions From Plant Haul Roads (See Product	3650	U	8.3	1.2	10.0	26.3	97.6	90	0.13	0.53	0.19	Trucks go down and back	0.38	8 trucks per hour, 10 hours per day	200	8.0	3.04	1.599	2.92	0

Process Rates

Potential Hourly Trips = Maximum Hourly Rate / Truck Capacity
Potential Hourly Vehicle Miles Traveled = Potential Hourly Trips x Round Trip Distance

Emission Limit/Calculation Methods

The emissions from rolling stock per vehicle mile traveled (VMT) have been calculated by multiplying VMT per unit of time by the equation provided in AP-42 for unpaved roads.
UNPAVED ROADS-Source AP-42 section 13.2.2, 9/98

PM:	PM10:
k = 10 a	k = 2.6
= 0.8 b	a = 0.8
= 0.5 c	b = 0.4
= 0.4	c = -0.3

For Paved roads, a 95% control efficiency has been applied to the use of the unpaved haul road equation to account for the combination of paving, sweeping.

For Unpaved roads, a 90% control efficiency has been applied to acount for a daily/documented haul road watering program.

AP-42 Table 13.2.2-1 (1/95) provides a range of unpaved quarry road silt contents. The mean value of 8.3% is used for unpaved roads.

The value of p, 97.6, was obtained from a 30 year average of Shreveport, LA met data M = 1.2% was based on samples of the surface moisture content.

Calculations

Emission Annual Point Number Number Controlle	Source I.D. (lbs/hr)	Description (tons/yr)	Operatin Controlled Operatin of Trips Operatin g Hours (hrs/yr)	g Hours Potentia Unpaved	silt (s)	Surface Controlled Paved/ Hourly Surface (M)	Speed Moisture	Weight (S)	Precip. (W)	Surface Controlled Control (p)	Controlled PM10 Emission Controlle Moisture PM Factor (%)	Controlled Controlled PM PM Control Controlled Emission (lbs/VMT)	One-way Emission Factor PM Distance Factor	(miles)	Travel Emission Controlled Round Comments		Maximum Round Factor PM10 Hourly Distance	Potential Potential Hourly Maximum Distance Controlle Number Comments	Hourly (miles) d PM10 Potentia (tons)	Potential Potential Hourly Number Round Controlled (n) (lbs/hr)	Potential Potential Annual Potentia Trip Controlled VMT (tons/yr)	Potential Potential Hourly Hourly Controlled PM
SN-R20	Sand1-4	Fugitive Emissions From Plant Haul Roads (See Product	3650	P	8.3	1.2	10.0	26.3	97.6	95	0.07	0.26	0.09	Trucks go down and back	0.19	8 trucks per hour, 10 hours per day	200	8.0	1.52	0.400	0.73	0.100
SN-R20	Coal1,2,3,7	Fugitive Emissions From Plant Haul Roads (See Product	5475	P	8.3	1.2	10.0	27.5	97.6	95	0.07	0.27	0.24	Trucks go one way only	0.24	15 hours per day	214	8.6	2.064	0.555	1.52	0.138
SN-R20	Coal4,5,6	Fugitive Emissions From Plant Haul Roads (See Product	5475	U	8.3	1.2	10.0	27.5	97.6	90	0.13	0.54	0.24	Trucks go one way only	0.24	15 hours per day	214	8.6	2.064	1.110	3.04	0.277

Nomenclature:

E: Emission Factor

k: Particle Size Multiplier (lb/VMT)

s: Silt content of road surface material (%)

M: Dry moisture content of surface material

S: *Mean vehicle speed (mph)*

W: Mean vehicle weight (tons)

w: Mean number of wheels

p: Mean # of days with at least 0.01 inches of precip.

x: Round trip distance traveled

n: Number of trips.

RAL PREPARATION & APPLICATION GUIDELINES

ace Preparation:

nmended Equipment: Motor Grader with a Rotating Teeth Cutting Blade.
Pressurized Water/Distributor Truck.

RIAL
isting surface should contain a good mixture (gradation) of coarse to fine material with a maximum size of ¾ inch down to a fine 8% to 25% of the existing surface material should be a fine dust that passes a –200 size mesh screen.

material needs to be added to the existing surface, a good quality ¾ inch maximum size "crusher run" material having 18% to –200 mesh fines should be used. This new material will need to be blended with the existing surface material.

R
rface should first be watered sufficiently to soften the materials and help conserve the fine dust, which is the required binder. The should then be bladed sufficiently (1" to 2" depth) to break up the crust on the surface. This will re-mix the existing or g/new surface materials, remove potholes & washboarding and provide for good drainage. More watering may be necessary during ; if dry conditions exist. Blading dry material is not recommended (materials will segregate and the fines will blow away).

ING
oaved road should be crowned and shaped to final grade to form a smooth surface. In most cases a modified A crown is adequate to per drainage. The road surface should slope ½ inch per linear foot from the center of the road. (If the road is not crowned, the e more susceptible to forming potholes, especially at intersections and driveway approaches.)

g is always required especially if the surface contains hard, crusty or tire polished areas or if other dust control products have usly been used.

lication Guidelines:

mmended Equipment: Pressurized Water/Distributor Truck Equipped with a Rear Mounted Spray Bar.
Pneumatic (Rubber Tire) Roller.

VET
st control application must penetrate the surface in order to be effective. Water helps to lower the surface tension of the dust product and allows the dust control application to penetrate. We recommend a pressurized spray bar be used for a more even ition and deeper penetration.

shly bladed surface should be pre-wetted just prior to the dust control application. The number of gallons of water to be applied to face prior to the dust control application will often need to equal the number of gallons of the dust control product that is to be l. An optimum moisture content of 7 % (forms a mud ball) in the surface materials is recommended. More water may be needed if nditions exist. The timing and amount of water used is dependent upon many circumstances and should be dealt with on an ual basis.

r not available for pre-wetting, the dust control treatment should be applied in several lighter passes or in a diluted form.

RAY

e recommended application rate for a dust control treatment should not be less than 0.5 gal./sq. yd. The dust control treatment is olied in two 0.25 gal./sq. yd. passes for even distribution and deeper penetration.

: best results, traffic should not be allowed on a treated surface until it has started to cure. This normally will only be a few hours. ring is dependent upon outside temperature, wind and humidity. If traffic must immediately use the treated surface, vehicles & speed uld be kept to a minimum.

LL

er the final 0.25 gal./sq. yd. pass is completed, and enough time has passed for surface curing to begin, rolling the surface with a umatic (rubber tire) roller is recommended. Rolling will compact the surface and seal in the moisture created by the combination of water and dust control treatment. Care should be taken to ensure that the surface has cured long enough so that the roller does not age the surface while the rolling process is being done. If the new treated surface is "picked up" or sticks to the rubber tires, stop the ing and allow more time for the surface to cure.

pneumatic roller is not available, the treated surface should be turned back to traffic as soon as possible after initial curing. The sing vehicles that use the treated surface will compact and seal the surface. Care should also be taken to ensure that the surface has ed long enough so that the passing vehicles do not damage the new treated surface. Compaction is dependent upon many umstances and should be dealt with on an individual basis.

UL ROADS

s Preparation & Application Guidelines for dust control at Ash Grove Cement, Foreman, AR. has been designed to help provide up to % control on unpaved haul road situations.

rder to attain satisfactory dust control with our dust control agent (i.e. 28%-32% Magnesium Chloride) we recommend an initial lication rate each year of not less than 0.6 gal./sq. yd. of surface area. This may need to be done more than once a year.

help maintain a high level of dust control between full strength applications , Magnesium Chloride can be applied in a diluted form i water and applied with a water truck. No more than a 1:10 dilution is recommended. If conditions are particularly dusty, the tion should be less than 1:10. This form of dust control is recommended whenever conditions exist that would allow visible fugitive : to enter the air.

Appendix I – 40 CFR Part 63, Subpart EEE requirements

Dated: October 6, 2006.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ 40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart RR—Tennessee

■ 2. Section 52.2220(e) is amended by adding a new entry at the end of the table for "Carbon Monoxide Second 10–Year Maintenance Plan for the Memphis/Shelby County Area" to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
*	*	*	*	*
Carbon Monoxide Second 10-Year Maintenance Plan for the Memphis/Shelby County Area.	Memphis/Shelby	5/10/2006	10/25/2006 [Insert first page of publication].	

[FR Doc. E6–17854 Filed 10–24–06; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2004–0022; FRL–8233–9]

RIN 2050–AG33

NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Amendment)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is amending the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste. EPA promulgated this standard as part of the national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors that were issued on October 12, 2005, under section 112 of the Clean Air Act. EPA agreed to reconsider the standard and proposed to change it on March 23, 2006 (71 FR 14665). This amendment suspends the obligation of new cement kilns to comply with the particulate matter standard until EPA takes final action on this proposal. This amendment does not affect other standards applicable to new or existing hazardous waste burning cement kilns.

DATES: The final rule is effective on October 25, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2004–0022. All documents in the docket are listed on *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the HQ EPA Docket Center, Docket ID No. EPA–HQ–OAR–2004–0022, EPA West Building, Room B–102, 1301 Constitution Ave., NW., Washington, DC 20004 (See note below). This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The HQ EPA Docket Center telephone number is (202) 566–1742. The 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 Public Reading Room is (202) 566–1744. A reasonable fee may be charged for copying docket materials.

Note: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to visit the Public Reading Room to view documents. Consult EPA's **Federal Register** notice at 71 FR 38147 (July 5, 2006) or the EPA Web site at *http://www.epa.gov/epahome/dockets.htm* for current information on docket status, locations and telephone numbers.

FOR FURTHER INFORMATION CONTACT: For more information on this rulemaking, contact Frank Behan at (703) 308–8476, or *behan.frank@epa.gov*, Office of Solid Waste (MC: 5302P), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC. 20460.

SUPPLEMENTARY INFORMATION: *Regulated Entities.* The regulated categories and entities affected by the NESHAP include:

Category	NAICS code	SIC code	Examples of regulated entities
Industry	327310	3241	Cement manufacturing, clinker production.
Federal government	.....	.....	Not affected.
State/local/tribal government	.....	.....	Not affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be impacted 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 affected by this action, you should examine the applicability criteria in 40 CFR 63.1200. 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.

Worldwide Web (www). In addition to being available in the docket, an electronic copy of today's final rule will also be available on the www at *http://www.epa.gov/hwcmact.*

Judicial Review. Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of today's amendment to the NESHAP for hazardous waste combustors is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the CAA, the requirements that are subject to today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

Organization of This Document. The information presented in this preamble is organized as follows:

I. Summary of Final Rule

EPA is issuing a final rule to amend the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste. The effect of this action is to suspend the obligation of new cement kilns to comply with the particulate matter standard that was issued on October 12, 2005 (70 FR 59402), under section 112 of the CAA, and set forth in § 63.1220(b)(7)(i). EPA is codifying this amendment by amending §§ 63.1206(a)(1)(ii)(B) and 63.1220(b)(7)(i).

Under this amended rule, cement kilns that were constructed or reconstructed after April 20, 2004, are temporarily relieved of the obligation to comply with the replacement particulate matter standard of 0.0023 gr/dscf, corrected to 7 percent oxygen, under § 63.1220(b)(7)(i).[1] However, such sources instead must comply with a particulate matter standard of 0.15 kg/Mg dry feed, which was the standard applicable to new cement kilns prior to the promulgation of the replacement standard (*i.e.*, the standard set forth in § 63.1220(b)(7)(i) as promulgated in the October, 2005 rule). This action does not affect any other standards applicable to new (or existing) cement kilns. It also does not affect the standards for other hazardous waste combustor source categories.

This amendment of the effective date shall take effect immediately upon publication in the **Federal Register**, and will remain in effect until EPA takes final action on the proposal to revise the particulate matter standard under § 63.1220(b)(7)(i). After EPA takes final action on the particulate matter standard, a cement kiln constructed or reconstructed after April 20, 2004, will be subject to the particulate matter standard set forth in § 63.1220(b)(7)(i).

II. Background

The final maximum achievable control technology (MACT) standards for hazardous waste combustors, implementing section 112(d) of the Clean Air Act, were published on October 12, 2005 (70 FR 59402). They are codified at 40 CFR part 63, subpart EEE. These standards include limits for particulate matter, which is a surrogate for certain hazardous air pollutant (HAP) metals. The particulate matter standard for new hazardous waste burning cement kilns is 0.0023 gr/dscf.[2]

Following promulgation of the hazardous waste combustor final rule, the Administrator received petitions for reconsideration of this standard pursuant to section 307(d)(7)(B) of the CAA from Ash Grove Cement Company (AGCC) and the Cement Kiln Recycling Coalition (CKRC).[3] Under this section of the CAA, the Administrator shall initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public comment period.

Petitioners AGCC and CKRC requested that EPA reconsider the particulate matter standard for new cement kilns. They stated that the final standard of 0.0023 gr/dscf was not properly noticed and was derived using unrepresentative test data from the Ash Grove Cement Chanute (AGCC Chanute) plant, resulting in an unachievable standard. To support their position, the petitioners provided additional performance data from the AGCC Chanute plant, the cement kiln whose performance was the basis for the standard. On March 23, 2006, we published a proposed rule granting reconsideration of the particulate matter standard for new cement kilns and proposed a revised standard. See 71 FR 14665. In the proposal we agreed that there was legitimate confusion regarding whether we would base the new source standard on emissions data from the Ash Grove Cement Chanute plant, and that also, there was no practical opportunity for commenters to address this issue during the public comment period. We also stated that "it appears that the promulgated new source standard for particulate matter for cement kilns is overly stringent in that it does not fully reflect the variability of the best performing source over time (the "emission control that is achieved in practice," using the language of section 112(d)(3))". 71 FR at 14668. Therefore, we proposed a revised particulate matter standard for new cement kilns of 0.0069 gr/dscf. Eleven public comment letters were submitted in response to the proposal, including a request to extend the comment period by two weeks that was granted in a subsequent notice on April 13, 2006 (71 FR 19155).

Pursuant to section 307(d)(7)(B) of the CAA, EPA also issued an administrative stay of the 0.0023 gr/dscf standard on March 23, 2006 (71 FR 14655). The administrative stay was in effect for three months, the maximum allowable under this section of the CAA, from March 23, 2006 to June 23, 2006. The administrative stay was based on our initial determination that the petitions for reconsideration (for the particulate matter standard for new cement kilns) appear to have merit and that there is a potential environmental detriment associated with requiring immediate compliance with the current standard of 0.0023 gr/dscf (71 FR at 14655).

III. Basis for Amended Effective Date

Although we proposed to revise the particulate matter standard for new cement kilns to 0.0069 gr/dscf from 0.0023 gr/dscf in response to the petitions for reconsideration, the

[1] In this notice all concentration-based standards with units of gr/dscf are corrected to 7% oxygen.

[2] The particulate matter standard is used as a surrogate to control five HAP metals including antimony, cobalt, manganese, nickel, and selenium. In addition, the particulate matter standard is a surrogate control for all non-mercury HAP metals in the raw materials and auxiliary fuels. 69 FR at 21221.

[3] AGCC's petition for reconsideration is docket item EPA–HQ–OAR–2004–0022–0516 and the petition of CKRC is docket item EPA–HQ–OAR–2004–0022–0520.

October 12, 2005 final rule provides that the promulgated particulate matter standard of 0.0023 gr/dscf takes effect upon publication. Without today's amendment of this provision, all cement kilns that were constructed or reconstructed after April 20, 2004, would have been required to comply immediately with the 0.0023 gr/dscf emission standard. While there are no cement kilns operating that were constructed or reconstructed after April 20, 2004 (and thus already complying with the 0.0023 gr/dscf standard) currently, there are a number of cement plants that are in various stages of constructing new, lower emitting and more energy-efficient kilns to replace older cement kilns. Comments submitted by these cement companies affirm that the promulgated particulate matter standard of 0.0023 gr/dscf, if left in effect during the reconsideration proceedings, could adversely affect the construction of these new kilns. As discussed in Section IV below, we have found that such delays, if they were to occur, would result in adverse environmental and energy impacts (*e.g.*, increased emissions of particulate matter and increased consumption of fossil fuels such as coal). Therefore, we conclude it is appropriate to amend the effective date of the particulate matter standard for new cement kilns until we conclude the reconsideration proceedings.

We are mindful that there would be no need to amend the effective date of the new source particulate matter standard for cement kilns if it seemed likely that we would affirm the promulgated standard of 0.0023 gr/dscf at the conclusion of the reconsideration process. Based on a preliminary, non-cursory evaluation of public comments submitted in response to the proposed rule to revise the particulate matter standard, we continue to believe that a MACT floor level of 0.0023 gr/dscf is not representative of the performance of any single best performing cement kiln source in our emissions data base, properly taking normal operating variability into account. Therefore, while not a final determination, our preliminary review of public comments provided during the reconsideration proceedings has not persuaded us that a revision of the particulate matter standard for new cement kilns is unnecessary. We will, of course, consider objectively all information submitted during the reconsideration process and make a final determination in the near future as to the need to revise this standard.

Our preliminary view is that an emissions standard of 0.0023 gr/dscf for particulate matter is not an appropriate standard for new cement kilns either as a MACT floor or as a beyond-the-floor standard.[4] First, a level of 0.0023 gr/dscf does not appear to be an achievable MACT floor level based on available particulate matter emissions data from the AGCC Chanute plant, the cement kiln on whose performance that standard was based. Available performance data for AGCC Chanute include emissions data from 2001–2002 (the basis of the promulgated MACT floor of 0.0023 gr/dscf) and additional emissions data from 2003–2005 submitted by petitioner AGCC during reconsideration proceedings (the basis for identifying another cement plant as the single best performing source in the reconsideration proposed rule that led EPA to propose a MACT floor of 0.0069 gr/dscf). As discussed below, it is our view that these emissions data show that the AGCC Chanute source does not routinely achieve a standard of 0.0023 gr/dscf. In fact, our review of the AGCC Chanute data led us to identify another cement plant as the single best performing source in the March 23, 2006 reconsideration proposed rule.

One commenter to the March 23, 2006 proposed rule stated that the emissions data of AGCC Chanute from 2003–2005 reflect unnecessary bag leakage and ineffective maintenance, and, therefore, the test data submitted during reconsideration proceedings for AGCC Chanute should not be accepted as representative of routine performance. The commenter also states that a standard of 0.0023 gr/dscf would be readily achievable by AGCC Chanute (and other cement kilns) through, among other things, an effective preventative maintenance program that includes the use of bag leak detection systems to identify and correct bag leaks when they first occur.[5] However, the commenter provides no evidence that an ineffective preventative maintenance program is responsible for the variability seen in the additional emissions data from 2003–2005 as compared to the 2001–2002 data. Without a basis to exclude the data, we tentatively believe these additional data must not be excluded from the MACT floor analysis because they reflect the normal variability of the source over time. As discussed in the reconsideration proposed rule, if these data are considered, then AGCC Chanute's performance clearly shows that an emission level of 0.0023 gr/dscf is not an appropriate MACT floor for new cement kilns because it does not fully reflect the source's emission variability (71 FR at 14669). We also tentatively reject the commenter's argument that AGCC Chanute could routinely achieve a MACT floor of 0.0023 gr/dscf if its baghouse (fabric filter) were better maintained by monitoring emissions with a bag leak detection system. The argument suggests that AGCC Chanute could have maintained the performance achieved in 2001–2002 through improved monitoring and a better preventative maintenance program. We disagree that the commenter's argument is even relevant when identifying a MACT floor because whether AGCC Chanute could operate better (achieve lower emissions over time) with different equipment, such as a bag leak detection system, is a beyond-the-floor issue. As the commenter acknowledges, AGCC Chanute is not equipped with a bag leak detection system. For purposes of a MACT floor, we must identify the single best performing source and identify an emission level that reflects "the emission control that is achieved in practice by the best controlled source." Section 112(d)(3). Therefore, a MACT floor of 0.0023 gr/dscf for particulate matter would not be justifiable based on theoretical performance of a differently-equipped AGCC Chanute plant.

Second, a level of 0.0023 gr/dscf does not appear to be an achievable MACT floor level based on available particulate matter emissions data from any other cement kiln source in our emissions data base. As presented in the support document to the reconsideration proposed rule, we are not in possession of any emissions data from a cement kiln achieving this level, accounting for normal performance variability.[6]

Finally, an emissions standard of 0.0023 gr/dscf for particulate matter is not likely an appropriate beyond-the-floor standard for new cement kilns. In

[4] See the notice of proposed rulemaking for a discussion of how we selected representative data for each source so that the single best performing source could be identified and how we calculated the MACT floor levels for particulate matter, 69 FR at 21223–233 (April 20, 2004). The proposed rule also describes how emissions variability was accounted for, including the use of a "universal variability factor" that was used only for the particulate matter standard to address long-term variability in particulate matter emissions of sources using fabric filters. See also 70 FR at 59436–450. In developing MACT standards, we must also consider beyond-the-floor control options that are more stringent than the floor level taking into consideration not only emission performance but also the cost of achieving the emission reductions, any health and environmental impacts, and energy requirements. CAA section 112(d)(2).

[5] See docket item EPA–HQ–OAR–2004–0022–0542.01, page 2.

[6] USEPA, "Draft Technical Support Document for HWC MACT Standards, Reconsideration of the New Source Particulate Matter Standards for Cement Kilns," March 2006, Table 4.

the reconsideration proposal, we evaluated a beyond-the-floor standard of 0.0035 gr/dscf and proposed that such a standard would not be justified.[7] This analysis was based on improved baghouse performance that evaluates improved bag material and a lower gas to cloth ratio. We also reached that conclusion in the final rule whereby we rejected adopting a beyond-the-floor standard of 0.0012 gr/dscf.[8] While we are not able to quantify the costs here (because the MACT floor level has yet to be determined), the previous analyses indicate that a beyond-the-floor standard of 0.0023 gr/dscf is not likely to be warranted. We will, of course, make a final determination as to the appropriateness of a beyond-the-floor standard for new cement kilns during the reconsideration process in the near future.

IV. Good Cause Findings

Section 553(b) of the Administrative Procedure Act (APA) (which applies to this action pursuant to the final sentence of CAA section 307(d)(1)) provides that, when any agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. Similarly, under section 553(d) of the APA, an agency may find that there is good cause to make the rule effective upon publication in the **Federal Register**.

We have determined that there is good cause for making today's amendment final without prior proposal and opportunity for public comment for several reasons. First, this amendment removes potential impediments to significant environmental and energy savings by allowing continued construction of new cement kilns that burn hazardous waste. As noted in the petitions for reconsideration of AGCC and CKRC, at least three companies are in various stages of constructing new, lower emitting and more energy-efficient kilns to replace older cement kilns.[9] Declarations made by representatives of these companies are that the companies could choose not to burn hazardous waste at these kilns and instead comply with the more lenient standards for particulate matter applicable to non-waste burning kilns, should the current particulate matter standard of 0.0023 gr/dscf be included in a permit.[10] Using the AGCC's Foreman plant as an example, we estimate that emissions of particulate matter would increase by approximately 77 tons per year at the Foreman plant should AGCC decide to abandon plans to burn hazardous waste at the new preheater/precalciner kiln.[11] Continental Cement Company and Keystone Cement Company also are planning to construct new cement kilns. If all three companies abandoned plans to build the new lower-emitting cement kilns, then particulate matter emissions would potentially increase by over 200 tons per year.

There also may be environmental detriment if the amendment is not issued because the companies building new cement kilns could experience construction and permitting delays. This detriment would result because the existing higher-emitting and less efficient cement kilns would (assuming delay) continue to operate for a longer period of time (i.e., operation of the new cement kilns replacing the older kilns would be postponed). We estimate that emissions of particulate matter would increase by approximately 60 tons at the Foreman plant should AGCC experience a 1-year delay in initiating operation of their new preheater/precalciner kiln.[12] Delays at Continental Cement Company and Keystone Cement Company would result in annual increases in particulate matter emissions of 27 tons and 30 tons, respectively. Thus, if all three companies experienced a one-year delay in building the new lower-emitting cement kilns, then particulate matter emissions would increase by approximately 117 tons.

We also find that amending the rule's effective date yields substantial energy savings. A typical wet process cement kiln requires approximately 5–6 million Btu of energy to make one ton of clinker product, while the more thermally-efficient preheater/precalciner kilns require 3 million Btu of energy. One wet process cement kiln annually producing 500,000 tons of clinker would consume approximately 105,000 tons of coal (assumes that all energy is derived from coal). However, a more thermally-efficient preheater/precalciner kiln would require 57,000 tons of coal per year, which equates to an annual energy savings of nearly 50,000 tons of coal per kiln as compared to a wet process kiln. Thus, a delay in the start-up of the new kilns or outright abandonment of its construction would result in the increased use of several hundred thousand tons of coal per year.

It is also important to note that while this amendment temporarily relieves newly constructed or reconstructed cement kilns of the obligation to comply with the replacement standard of 0.0023 gr/dscf, there are no cement kilns currently in operation that are subject to the replacement standard. That is, there are no new cement kilns that are currently complying with the replacement standard of 0.0023 gr/dscf for particulate matter, and thus no kilns that will actually emit particulate matter at higher levels. Thus, although the less stringent particulate matter standard that was applicable to new cement kilns prior to the promulgation of the replacement standards will be in effect as a result of today's amendment, this will not lead to an actual increase in particulate matter emissions.

We also note that the issue of the rule's effective date has essentially already been subject to robust public comment through the grant of reconsideration and proposal to amend the rule. Thus, this is not a situation where the public is presented with a final rule without having opportunity to address the issues involved in the action.

Finally, we note that we expect this amendment to be in effect for only a short time. We estimate that the amendment will remain in effect for less than 1-year while the rulemaking to revise the particulate matter standard for new cement kilns is concluded. We intend to take final action on

[7] USEPA, "Draft Technical Support Document for HWC MACT Standards, Reconsideration of the New Source Particulate Matter Standards for Cement Kilns," March 2006, Section 4.1.2.

[8] USEPA, "Technical Support Document for HWC MACT Standards, Volume III: Selection of MACT Standards," September 2005, Section 11.3.4.

[9] For example, AGCC is replacing its three older wet process cement kilns at its Foreman, Arkansas plant with a new preheater/precalciner kiln. See docket item EPA-HQ-OAR-2004-0022-0523, page 3. Information related to plans of Continental Cement Company and Keystone Cement Company to build new cement kilns can be found in docket item EPA-HQ-OAR-2004-0022-0521, Appendices F and G, respectively.

[10] Declarations made by representatives of AGCC, Continental Cement Company, and Keystone Cement Company are available in the docket. See docket item EPA-HQ-OAR-2004-0022-0521, Appendices F, G, and H.

[11] For purposes of this estimate, it was assumed that the new preheater/precalciner kiln would be designed to 0.0034 gr/dscf, which is the design level for the standard that we proposed for new hazardous waste burning cement kilns on March 23, 2006 (71 FR 14665). The particulate matter standard for new cement kilns that do not burn hazardous waste is 0.15 kg/Mg dry feed, which equates to approximately 0.04 gr/dscf, corrected to 7% oxygen, for a preheater/precalciner kiln. Section 63.1343(b)(1).

[12] We estimate emissions of particulate matter from Ash Grove Cement's three wet process kilns at 85 tons per year. See USEPA, "Technical Support Document for HWC MACT Replacement Standards, Volume V: Emissions Estimates and Engineering Costs," September 2005, Appendix C. For purposes of this estimation, we assumed that the new preheater/precalciner kiln would be designed to 0.0034 gr/dscf, which is the design level for the standard that we proposed for new hazardous waste burning cement kilns on March 23, 2006.

reconsideration of the particulate matter standard for new cement kilns as expeditiously as possible. When that work is completed, the kilns currently under construction will be responsible for meeting the standard in the revised rule prior to commencing operation. We do not anticipate that any of those new kilns will ever operate subject to the previous replacement standard.

Given the possibility of environmental detriment, the lack of environmental prejudice, the previous opportunity for public comment on the issues involved, and the likely short duration of this amendment, we find that there is good cause to amend the rule's effective date under 5 U.S.C. 553(b)(B) without prior notice or opportunity to comment. We also find, for the same reasons, that good cause exists under APA section 553(d)(3) to make this amendment effective upon publication in the **Federal Register** rather than 30 days later.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a "significant regulatory action" under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the EO. Consequently, this action was not submitted to the Office of Management and Budget for review under EO 12866.

B. Paperwork Reduction Act

The information collection requirements in the final rule (70 FR 59402, October 12, 2005) were submitted to and approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, and assigned OMB control number 2050–0171. An Information Collection Request (ICR) document was prepared by EPA (ICR No. 1773.08) and a copy may be obtained from Susan Auby by mail at Office of Environmental Information Collection Strategies Division (ME–2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, by e-mail at *auby.susan@epa.gov*, or by calling (202) 566–1672. A copy may also be downloaded from the Internet at *http://www.epa.gov/icr*.

Today's action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Because there is no additional burden on the industry as a result of the final rule amendments, the ICR has not been revised.

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 in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's final rule on small entities, small entity is defined as: (1) A small business that is primarily engaged in cement manufacturing as defined by NAIC code 327310 with less than 750 employees (for the entire corporation); (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 which is independently owned and operated and is not dominant in the field.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any new, more stringent requirements on new source, small cement manufacturing entities.

D. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 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, EPA 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 one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA 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 EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. 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 EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that the final rule amendments do not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, or tribal governments, in the aggregate, or to the private sector in any one year. Furthermore, section 202 does not apply to rules for which EPA invokes an exemption under section 553(b)(1)(B) of the Administrative Procedure Act, as is being done in this action. Thus, today's action is not subject to sections 202 and 205 of the UMRA. EPA has also determined that the final rule amendments contain no regulatory requirements that might significantly or uniquely affect small governments. Thus, the final rule amendments are not

subject to the requirements of section 203 of the UMRA no new enforceable duty on any State, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), 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" is 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."

This 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. Thus, Executive Order 13132 does not apply to this rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (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." This final rule does not have tribal implications, as specified in Executive Order 13175. This action contains no requirements that are more stringent than in the October 2005 final rule. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

"Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

Today's final rule is not subject to E.O. 13045 because it does not meet either of these criteria. The rule simply amends the effective date of a standard while EPA takes final action on the proposed rule (71 FR 14665 (March 23, 2006)).

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not an economically significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

As noted in the proposed rule (69 FR 21198), Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory 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, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Congressional Review

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As discussed in Section IV above, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of October 25, 2006. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subject in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 19, 2006.

Stephen L. Johnson,

Administrator.

■ For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Section 63.1206 is amended by revising paragraph (a)(1)(ii)(B)(*1*) and adding new paragraph (a)(1)(ii)(B)(*3*) to read as follows:

§ 63.1206 When and how must you comply with the standards and operating requirements?

(a) * * *

(1) * * *

(ii) * * *

(B) * * * (*1*) If you commenced construction or reconstruction of your hazardous waste combustor after April 20, 2004, you must comply with the new source emission standards under §§ 63.1219, 63.1220, and 63.1221 and the other requirements of this subpart by the later of October 12, 2005 or the date the source starts operations, except as provided by paragraphs (a)(1)(ii)(B)(*2*) and (a)(1)(ii)(B)(*3*) of this section. The costs of retrofitting and replacement of equipment that is installed specifically to comply with this subpart, between April 20, 2004, and a source's compliance date, are not considered to be reconstruction costs.

* * * * *

(3) *Temporary particulate matter standard under § 63.1220 for new*

cement kilns. You are not required to comply with the particulate matter standard specified under § 63.1220(b)(7)(i) until EPA takes final action with regard to the particulate matter standard pursuant to reconsideration proceedings. If you start up a new or reconstructed hazardous waste burning cement kiln as defined by this subpart, you must not emit particulate matter in excess of 0.15 kg/Mg dry feed, as determined according to the requirements under § 63.1204(b)(7)(i) through (iii).

* * * * *

■ 3. Section 63.1220 is amended by revising paragraph (b)(7)(i) to read as follows:

§ 63.1220 What are the replacement standards for hazardous waste burning cement kilns?

* * * * *

(b) * * *

(7) * * *

(i) Except as provided by § 63.1206(a)(1)(ii)(B)(*3*) and paragraph (b)(7)(iii) of this section, particulate matter emissions in excess of 0.0023 gr/dscf corrected to 7 percent oxygen.

* * * * *

[FR Doc. E6–17897 Filed 10–24–06; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 29

[Docket No. OST–2005–22602]

RIN 2105–AD46

Debarment and Suspension (Nonprocurement) Requirements

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Transportation's regulations implementing the governmentwide nonprocurement debarment and suspension requirements. Specifically, this rule adopts the optional lower tier coverage prohibiting excluded persons from participating in subcontracts at tiers lower than the first tier below a covered nonprocurement transaction.

DATES: *Effective Date:* This final rule is in effect November 24, 2006.

FOR FURTHER INFORMATION CONTACT: Ellen Shields, Office of the Senior Procurement Executive, Office of Administration (M–61), (202) 366–4268, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may retrieve previously filed comments online through the Document Management System (DMS) at *http://dmses.dot.gov.* The DMS is available 24 hours each day, 365 days each year. Electronic retrieval help and guidelines are available under the help section of the Web site. An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may also reach the Office of the Federal Register's home page at *http://www.nara.gov/fedreg* and the Government Printing Office's Web page at: *http://www.access.gpo.gov/nara.*

Background

On November 26, 2003, the Department of Transportation (DOT), along with twenty-nine other agencies, published its final rule implementing changes to the governmentwide debarment and suspension common rule (68 FR 66533). These regulations were intended to resolve unnecessary technical differences between the procurement and nonprocurement systems, revise the existing governmentwide debarment and suspension regulations in a plain language style and format, and make other improvements consistent with the purpose of the debarment and suspension system. One of the changes made to the regulations included limiting the mandatory down-tier application of an exclusion to only the first procurement level. Under the previous governmentwide regulations, all executive agencies applied suspensions and debarments to all procurement levels. However, in the revised governmentwide regulations, each agency was given the option of applying an exclusion to levels below the first procurement level. This final rule adopts the optional lower tier coverage to make the debarment and suspension regulations applicable to levels below the first procurement level. Many of the DOT programs involve billions of dollars in grants that are obligated to construction projects by States, localities and other recipients. For instance, on August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Public Law 109–59. This Act authorizes funding for highways, highway safety, and public transportation totaling $244.1 billion over five years (2005–2009) and is the largest surface transportation investment in our Nation's history. Of this $244.1 billion, a substantial portion of these funds will be used by States and other grantees to procure construction contracts. These construction contracts could involve multiple subcontracts that would be vulnerable to misconduct and poor performance if suspended or debarred contractors are allowed to participate in these transactions.

Discussion of Comments

On October 5, 2005, the Office of the Secretary (OST) in the DOT published a notice of proposed rulemaking (NRPM) and requested comment on whether the DOT should adopt the lower tier coverage. In response to the NPRM, OST received two comments. These comments were submitted by the American Road and Transportation Builders Association (ARTBA) and the Wisconsin Department of Transportation (WisDOT).

ARTBA commented that the transportation construction industry has a well-deserved reputation of being comprised of highly ethical firms. However, despite this reputation, some firms betray the integrity of the whole. In these situations, ARTBA acknowledged that suspension or debarment may be appropriate. Additionally, ARTBA commented on the importance of maintaining the contractor's due process rights. ARTBA stated that the basis of due process is that everyone is deemed innocent until proven guilty and that due process is not served if contractors are suspended or debarred before being afforded an opportunity to be heard. ARTBA noted that debarment and suspension cannot be taken lightly because of the interruption in the firm's ability to work and, as such, the DOT needs to ensure that the debarment and suspension process is fair.

The DOT agrees with ARTBA that the transportation construction industry does indeed have a well-deserved reputation of being comprised of highly ethical firms. However, as ARTBA acknowledges, there are some firms within the industry that betray this reputation. The participation of these irresponsible firms and individuals in the transportation program could result in millions of dollars being wasted due to fraud. These are funds that could be used on construct more transportation projects. Also, the DOT agrees with

40 CFR Part 63, Subpart EEE	
40 CFR 63, §63.1200	The provisions of this subpart apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste cement kilns, hazardous waste lightweight aggregate kilns, hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces. Hazardous waste combustors are also subject to applicable requirements under parts 260 through 270 of this chapter.
40 CFR 63, §63.1200(a)(1)	(1) Both area sources and major sources are subject to this subpart.
40 CFR 63, §63.1200(a)(2)	(2) Both area sources and major sources subject to this subpart, but not previously subject to title V, are immediately subject to the requirement to apply for and obtain a title V permit in all States, and in areas covered by part 71 of this chapter.
40 CFR 63, §63.1200(c)	(c) Table 1 of this section specifies the provisions of subpart A (General Provisions, §§63.1-63.15) that apply and those that do not apply to sources affected by this subpart.
40 CFR 63, §63.1206(a)(1)(i)	(a) *Compliance dates.* (1) *Compliance dates for incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste.* (i) *Compliance date for standards under §§63.1203, 63.1204, and 63.1205.*
40 CFR 63, §63.1206(a)(1)(i)	(B) *New or reconstructed sources.* (*1*) If you commenced construction or reconstruction of your hazardous waste combustor after April 19, 1996, you must comply with the emission standards under §§63.1203, 63.1204, and 63.1205 and the other requirements of this subpart by the later of September 30, 1999 or the date the source starts operations, except as provided by paragraph (a)(1)(i)(B)(*2*) of this section. The costs of retrofitting and replacement of equipment that is installed specifically to comply with this subpart, between April 19, 1996 and a source's compliance date, are not considered to be reconstruction costs.
40 CFR 63, §63.1206(a)(1)(i)	(*2*) For a standard under §§63.1203, 63.1204, and 63.1205 that is more stringent than the standard proposed on April 19, 1996, you may achieve compliance no later than September 30, 2003 if you comply with the standard proposed on April 19, 1996 after September 30, 1999. This exception does not apply, however, to new or reconstructed area source hazardous waste combustors that become major sources after September 30, 1999. As provided by §63.6(b)(7), such sources must comply with the standards under §§63.1203, 63.1204, and 63.1205 at startup.
40 CFR 63, §63.1206(a)(1)(ii)	(ii) *Compliance date for standards under §§63.1219, 63.1220, and 63.1221.*
40 CFR 63, §63.1206(a)(1)(ii)	(B) *New or reconstructed sources.* (*1*) If you commenced construction or reconstruction of your hazardous waste combustor after April 20, 2004, you must comply with the new source emission standards under §§63.1219, 63.1220, and 63.1221 and the other requirements of this subpart by the later of October 12, 2005 or the date the source starts operations, except as provided by paragraph (a)(1)(ii)(B)(*2*) of this section. The costs of retrofitting and replacement of equipment that is installed specifically to comply with this subpart, between April 20, 2004, and a source's compliance date, are not considered to be reconstruction costs.

40 CFR 63, §63.1206(a)(1)(ii)	(2) For a standard under §§63.1219, 63.1220, and 63.1221 that is more stringent than the standard proposed on April 20, 2004, you may achieve compliance no later than October 14, 2008, if you comply with the standard proposed on April 20, 2004, after October 12, 2005. This exception does not apply, however, to new or reconstructed area source hazardous waste combustors that become major sources after October 14, 2008. As provided by §63.6(b)(7), such sources must comply with the standards under §§63.1219, 63.1220, and 63.1221 at startup.
40 CFR 63, §63.1206(b)(1)	(b) *Compliance with standards*-(1) *Applicability.* The emission standards and operating requirements set forth in this subpart apply at all times except:
40 CFR 63, §63.1206(b)(1)(i)	(i) During periods of startup, shutdown, and malfunction; and
40 CFR 63, §63.1206(b)(1)(ii)	(ii) When hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cut off for a period of time not less than the hazardous waste residence time) and you have documented in the operating record that you are complying with all otherwise applicable requirements and standards promulgated under authority of sections 112 (e.g., 40 CFR part 63, subparts LLL, DDDDD, and NNNNN) or 129 of the Clean Air Act in lieu of the emission standards under §§63.1203, 63.1204, 63.1205, 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221; the monitoring and compliance standards of this section and §§63.1207 through 63.1209, except the modes of operation requirements of §63.1209(q); and the notification, reporting, and recordkeeping requirements of §§63.1210 through 63.1212.
40 CFR 63, §63.1206(b)(2)	(2) *Methods for determining compliance.* The Administrator will determine compliance with the emission standards of this subpart as provided by §63.6(f)(2). Conducting performance testing under operating conditions representative of the extreme range of normal conditions is consistent with the requirements of §§63.6(f)(2)(iii)(B) and 63.7(e)(1) to conduct performance testing under representative operating conditions.
40 CFR 63, §63.1206(b)(3)	(3) Finding of compliance. The Administrator will make a finding concerning compliance with the emission standards and other requirements of this subpart as provided by §63.6(f)(3).
40 CFR 63, §63.1206(b)(4)	(4) *Extension of compliance with emission standards.* The Administrator may grant an extension of compliance with the emission standards of this subpart as provided by §§63.6(i) and 63.1213.
40 CFR 63, §63.1206(b)(5)(i)	(5) *Changes in design, operation, or maintenance*-(i) *Changes that may adversely affect compliance.* If you plan to change (as defined in paragraph (b)(5)(iii) of this section) the design, operation, or maintenance practices of the source in a manner that may adversely affect compliance with any emission standard that is not monitored with a CEMS:
40 CFR 63, §63.1206(b)(5)(i)	(A) *Notification.* You must notify the Administrator at least 60 days prior to the change, unless you document circumstances that dictate that such prior notice is not reasonably feasible. The notification must include:
40 CFR 63, §63.1206(b)(5)(i)	(*1*) A description of the changes and which emission standards may be affected; and

40 CFR 63, §63.1206(b)(5)(i)	(2) A comprehensive performance test schedule and test plan under the requirements of §63.1207(f) that will document compliance with the affected emission standard(s);
40 CFR 63, §63.1206(b)(5)(i)	(B) *Performance test.* You must conduct a comprehensive performance test under the requirements of §§63.1207(f)(1) and (g)(1) to document compliance with the affected emission standard(s) and establish operating parameter limits as required under §63.1209, and submit to the Administrator a Notification of Compliance under §§63.1207(j) and 63.1210(d); and
40 CFR 63, §63.1206(b)(5)(i)	(C) Restriction on waste burning. (1) Except as provided by paragraph (b)(5)(i)(C)(2) of this section, after the change and prior to submitting the notification of compliance, you must not burn hazardous waste for more than a total of 720 hours (renewable at the discretion of the Administrator) and only for the purposes of pretesting or comprehensive performance testing. Pretesting is defined at §63.1207(h)(2)(i) and (ii).
40 CFR 63, §63.1206(b)(5)(i)	(2) You may petition the Administrator to obtain written approval to burn hazardous waste in the interim prior to submitting a Notification of Compliance for purposes other than testing or pretesting. You must specify operating requirements, including limits on operating parameters, that you determine will ensure compliance with the emission standards of this subpart based on available information. The Administrator will review, modify as necessary, and approve if warranted the interim operating requirements.
40 CFR 63, §63.1206(b)(5)(ii)	(ii) *Changes that will not affect compliance.* If you determine that a change will not adversely affect compliance with the emission standards or operating requirements, you must document the change in the operating record upon making such change. You must revise as necessary the performance test plan, Documentation of Compliance, Notification of Compliance, and start-up, shutdown, and malfunction plan to reflect these changes.
40 CFR 63, §63.1206(b)(5)(iii)	(iii) *Definition of "change."* For purposes of paragraph (b)(5) of this section, "change" means any change in design, operation, or maintenance practices that were documented in the comprehensive performance test plan, Notification of Compliance, or startup, shutdown, and malfunction plan.
40 CFR 63, §63.1206(b)(6)	(6) *Compliance with the carbon monoxide and hydrocarbon emission standards.* This paragraph applies to sources that elect to comply with the carbon monoxide and hydrocarbon emissions standards of this subpart by documenting continuous compliance with the carbon monoxide standard using a continuous emissions monitoring system and documenting compliance with the hydrocarbon standard during the destruction and removal efficiency (DRE) performance test or its equivalent.
40 CFR 63, §63.1206(b)(6)(i)	(i) If a DRE test performed pursuant to §63.1207(c)(2) is acceptable as documentation of compliance with the DRE standard, you may use the highest hourly rolling average hydrocarbon level achieved during the DRE test runs to document compliance with the hydrocarbon standard. An acceptable DRE test is any test for which the data and results are determined to meet quality assurance objectives (on a site-specific basis) such that the results adequately demonstrate compliance with the DRE standard.
40 CFR 63, §63.1206(b)(6)(ii)	(ii) If during this acceptable DRE test you did not obtain hydrocarbon emissions data sufficient to document compliance with the hydrocarbon standard, you must either:

40 CFR 63, §63.1206(b)(6)(ii)	(A) Perform, as part of the performance test, an "equivalent DRE test" to document compliance with the hydrocarbon standard. An equivalent DRE test is comprised of a minimum of three runs each with a minimum duration of one hour during which you operate the combustor as close as reasonably possible to the operating parameter limits that you established based on the initial DRE test. You must use the highest hourly rolling average hydrocarbon emission level achieved during the equivalent DRE test to document compliance with the hydrocarbon standard; or
40 CFR 63, §63.1206(b)(6)(ii)	(B) Perform a DRE test as part of the performance test.
40 CFR 63, §63.1206(b)(7)(i)	(7) *Compliance with the DRE standard.* (i) Except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section:
40 CFR 63, §63.1206(b)(7)(i)	(A) You must document compliance with the Destruction and Removal Efficiency (DRE) standard under this subpart only once provided that you do not modify the source after the DRE test in a manner that could affect the ability of the source to achieve the DRE standard.
40 CFR 63, §63.1206(b)(7)(i)	(B) You may use any DRE test data that documents that your source achieves the required level of DRE provided:
40 CFR 63, §63.1206(b)(7)(i)	(*1*) You have not modified the design or operation of your source in a manner that could effect the ability of your source to achieve the DRE standard since the DRE test was performed; and,
40 CFR 63, §63.1206(b)(7)(i)	(2) The DRE test data meet quality assurance objectives determined on a site-specific basis.
40 CFR 63, §63.1206(b)(7)(ii)	(ii) *Sources that feed hazardous waste at locations other than the normal flame zone.* (A) Except as provided by paragraph (b)(7)(ii)(B) of this section, if you feed hazardous waste at a location in the combustion system other than the normal flame zone, then you must demonstrate compliance with the DRE standard during each comprehensive performance test;
40 CFR 63, §63.1206(b)(7)(ii)	(B)(*1*) A cement kiln that feeds hazardous waste at a location other than the normal flame zone need only demonstrate compliance with the DRE standard during three consecutive comprehensive performance tests provided that:
40 CFR 63, §63.1206(b)(7)(ii)	(*i*) All three tests achieve the DRE standard in this subpart; and
40 CFR 63, §63.1206(b)(7)(ii)	(*ii*) The design, operation, and maintenance features of each of the three tests are similar;
40 CFR 63, §63.1206(b)(7)(ii)	(iii) The data in lieu restriction of §63.1207(c)(2)(iv) does not apply when complying with the provisions of paragraph (b)(7)(ii)(B) of this section;
40 CFR 63, §63.1206(b)(7)(ii)	(2) If at any time you change your design, operation, and maintenance features in a manner that could reasonably be expected to affect your ability to meet the DRE standard, then you must comply with the requirements of paragraph (b)(7)(ii)(A) of this section.

40 CFR 63, §63.1206(b)(7)(ii)	(iii) For sources that do not use DRE previous testing to document conformance with the DRE standard pursuant to §63.1207(c)(2), you must perform DRE testing during the initial comprehensive performance test.
40 CFR 63, §63.1206(b)(8)(i)	(8) *Applicability of particulate matter and opacity standards during particulate matter CEMS correlation tests.* (i) Any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.,* any title 40 particulate or opacity standards) applicable to a hazardous waste combustor do not apply while you conduct particulate matter continuous emissions monitoring system (CEMS) correlation tests (*i.e.,* correlation with manual stack methods) under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.
40 CFR 63, §63.1206(b)(8)(ii)	(ii) Any permit or other emissions or operating parameter limits or conditions, including any limitation on workplace practices, that are applicable to hazardous waste combustors to ensure compliance with any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.,* any title 40 particulate or opacity standards) do not apply while you conduct particulate matter CEMS correlation tests under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.
40 CFR 63, §63.1206(b)(8)(iii)	(iii) For the provisions of this section to apply, you must:
40 CFR 63, §63.1206(b)(8)(iii)	(A) Develop a particulate matter CEMS correlation test plan that includes the following information. This test plan may be included as part of the comprehensive performance test plan required under §§63.1207(e) and (f):
40 CFR 63, §63.1206(b)(8)(iii)	(*1*) Number of test conditions and number of runs for each test condition;
40 CFR 63, §63.1206(b)(8)(iii)	(*2*) Target particulate matter emission level for each test condition;
40 CFR 63, §63.1206(b)(8)(iii)	(*3*) How you plan to modify operations to attain the desired particulate matter emission levels; and
40 CFR 63, §63.1206(b)(8)(iii)	(*4*) Anticipated normal particulate matter emission levels; and
40 CFR 63, §63.1206(b)(8)(iii)	(B) Submit the test plan to the Administrator for approval at least 90 calendar days before the correlation test is scheduled to be conducted.
40 CFR 63, §63.1206(b)(8)(iv)	(iv) The Administrator will review and approve/disapprove the correlation test plan under the procedures for review and approval of the site-specific test plan provided by §63.7(c)(3)(i) and (iii). If the Administrator fails to approve or disapprove the correlation test plan within the time period specified by §63.7(c)(3)(i), the plan is considered approved, unless the Administrator has requested additional information.
40 CFR 63, §63.1206(b)(8)(v)	(v) The particulate matter and opacity standards and associated operating limits and conditions will not be waived for more than 96 hours, in the aggregate, for a correlation test, including all runs of all test conditions, unless more time is approved by the Administrator.

40 CFR 63, §63.1206(b)(8)(vi)	(vi) The stack sampling team must be on-site and prepared to perform correlation testing no later than 24 hours after you modify operations to attain the desired particulate matter emissions concentrations, unless you document in the correlation test plan that a longer period of conditioning is appropriate.
40 CFR 63, §63.1206(b)(8)(vii)	(vii) You must return to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed.
40 CFR 63, §63.1206(b)(10)	(10) Alternative standards for existing or new hazardous waste burning cement kilns using MACT. (i) You may petition the Administrator to request alternative standards to the mercury or hydrogen chloride/chlorine gas emission standards of this subpart, to the semivolatile metals emission standards under §§63.1204, 63.1220(a)(3)(ii), or 63.1220(b)(3)(ii), or to the low volatile metals emissions standards under §§63.1204, 63.1220(a)(4)(ii), or 63.1220(b)(4)(ii) if:
40 CFR 63, §63.1206(b)(10)(i)	(A) You cannot achieve one or more of these standards while using maximum achievable control technology (MACT) because of raw material contributions to emissions of mercury, semivolatile metals, low volatile metals, or hydrogen chloride/chlorine gas; or
40 CFR 63, §63.1206(b)(10)(i)	(B) You determine that mercury is not present at detectable levels in your raw material.
40 CFR 63, §63.1206(b)(10)(ii)	(ii) The alternative standard that you recommend under paragraph (b)(10)(i)(A) of this section may be an operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine, and/or an emission limitation.
40 CFR 63, §63.1206(b)(10)(iii)	(iii) The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(10)(viii) and (ix) of this section.
40 CFR 63, §63.1206(b)(10)(iv)	(iv) Documentation required. (A) The alternative standard petition you submit under paragraph (b)(10)(i)(A) of this section must include data or information documenting that raw material contributions to emissions prevent you from complying with the emission standard even though the source is using MACT, as defined in paragraphs (b)(10)(viii) and (ix) of this section, for the standard for which you are seeking relief.
40 CFR 63, §63.1206(b)(10)(iv)	(B) Alternative standard petitions that you submit under paragraph (b)(10)(i)(B) of this section must include data or information documenting that mercury is not present at detectable levels in raw materials.
40 CFR 63, §63.1206(b)(10)(v)	(v) You must include data or information with semivolatile metal and low volatile metal alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section documenting that increased chlorine feedrates associated with the burning of hazardous waste, when compared to non-hazardous waste operations, do not significantly increase metal emissions attributable to raw materials.
40 CFR 63, §63.1206(b)(10)(vi)	(vi) You must include data or information with semivolatile metals, low volatile metals, and hydrogen chloride/chlorine gas alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section documenting that emissions of the regulated metals and hydrogen chloride/chlorine gas attributable to the hazardous waste only will not exceed the emission standards in this subpart.

40 CFR 63, §63.1206(b)(10)(vii)	(vii) You must not operate pursuant to your recommended alternative standards in lieu of emission standards specified in this subpart:
40 CFR 63, §63.1206(b)(10)(vii)	(A) Unless the Administrator approves the provisions of the alternative standard petition request or establishes other alternative standards; and
40 CFR 63, §63.1206(b)(10)(vii)	(B) Until you submit a revised Notification of Compliance that incorporates the revised standards.
40 CFR 63, §63.1206(b)(10)(viii)	(viii) For purposes of this alternative standard provision, MACT for existing hazardous waste burning cement kilns is defined as:
40 CFR 63, §63.1206(b)(10)(viii)	(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 88 μg/dscm or less;
40 CFR 63, §63.1206(b)(10)(viii)	(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;
40 CFR 63, §63.1206(b)(10)(viii)	(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 54,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less; and
40 CFR 63, §63.1206(b)(10)(viii)	(D) For hydrogen chloride/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 720,000 µg/dscm or less.
40 CFR 63, §63.1206(b)(10)(ix)	(ix) For purposes of this alternative standard provision, MACT for new hazardous waste burning cement kilns is defined as:
40 CFR 63, §63.1206(b)(10)(ix)	(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 7 μg/dscm or less;
40 CFR 63, §63.1206(b)(10)(ix)	(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;
40 CFR 63, §63.1206(b)(10)(ix)	(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 15,000 μg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;
40 CFR 63, §63.1206(b)(10)(ix)	(D) For hydrogen chloride/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 420,000 µg/dscm or less.
40 CFR 63, §63.1206(b)(11)	(11) *Calculation of hazardous waste residence time.* You must calculate the hazardous waste residence time and include the calculation in the performance test plan under §63.1207(f) and the operating record. You must also provide the hazardous waste residence time in the Documentation of Compliance under §63.1211(c) and the Notification of Compliance under §§63.1207(j) and 63.1210(d).

40 CFR 63, §63.1206(b)(12)(i)	(12) Documenting compliance with the standards based on performance testing. (i) You must conduct a minimum of three runs of a performance test required under §63.1207 to document compliance with the emission standards of this subpart.
40 CFR 63, §63.1206(b)(12)(ii)	(ii) You must document compliance with the emission standards based on the arithmetic average of the emission results of each run, except that you must document compliance with the destruction and removal efficiency standard for each run of the comprehensive performance test individually.
40 CFR 63, §63.1206(b)(13)	(13) *Cement kilns and lightweight aggregate kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired.*
40 CFR 63, §63.1206(b)(13)(i)	(i) Cement kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the carbon monoxide and hydrocarbon standards of this subpart as follows:
40 CFR 63, §63.1206(b)(13)(i)	(B) For new sources, you must not discharge or cause combustion gases to be emitted into the atmosphere that contain either:
40 CFR 63, §63.1206(b)(13)(i)	(*1*) Hydrocarbons in the main stack in excess of 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or
40 CFR 63, §63.1206(b)(13)(i)	(*2*)(*i*) Hydrocarbons both in the by-pass duct and at a preheater tower combustion gas monitoring location in excess of 10 parts per million by volume, at each location, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, and
40 CFR 63, §63.1206(b)(13)(i)	(3)(i) If the only firing location of hazardous waste upstream (in terms of gas flow) of the point where combustion gases are diverted into the bypass duct is at the kiln end where products are normally discharged, then both hydrocarbons at the preheater tower combustion gas monitoring location in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, and either hydrocarbons in the by-pass duct in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, or carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, and corrected to 7 percent oxygen. If you comply with the carbon monoxide standard of 100 parts per million by volume in the by-pass duct, then you must also not discharge or cause combustion gases to be emitted into the atmosphere that contain hydrocarbons in the by-pass duct in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane, at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by §63.1206(b)(7).

40 CFR 63, §63.1206(b)(15)	(15) Alternative to the interim standards for mercury for cement and lightweight aggregate kilns. (i) General. In lieu of complying with the applicable mercury standards of §§63.1204(a)(2) and (b)(2) for existing and new cement kilns and §§63.1205(a)(2) and (b)(2) for existing and new lightweight aggregate kilns, you may instead elect to comply with the alternative mercury standard described in paragraphs (b)(15)(ii) through (b)(15)(v) of this section.
40 CFR 63, §63.1206(b)(15)(ii)	(ii) Operating requirement. You must not exceed a hazardous waste feedrate corresponding to a maximum theoretical emission concentration (MTEC) of 120 μg/dscm on a twelve-hour rolling average.
40 CFR 63, §63.1206(b)(15)(iii)	(iii) To document compliance with the operating requirement of paragraph (b)(15)(ii) of this section, you must:
40 CFR 63, §63.1206(b)(15)(iii)	(A) Monitor and record the feedrate of mercury for each hazardous waste feedstream according to §63.1209(c);
40 CFR 63, §63.1206(b)(15)(iii)	(B) Monitor with a CMS and record in the operating record the gas flowrate (either directly or by monitoring a surrogate parameter that you have correlated to gas flowrate);
40 CFR 63, §63.1206(b)(15)(iii)	(C) Continuously calculate and record in the operating record a MTEC assuming mercury from all hazardous waste feedstreams is emitted;
40 CFR 63, §63.1206(b)(15)(iii)	(D) Interlock the MTEC calculated in paragraph (b)(15)(iii)(C) of this section to the AWFCO system to stop hazardous waste burning when the MTEC exceeds the operating requirement of paragraph (b)(15)(ii) of this section.
40 CFR 63, §63.1206(b)(15)(iv)	(iv) In lieu of the requirement in paragraph (b)(15)(iii) of this section, you may:
40 CFR 63, §63.1206(b)(15)(iv)	(A) Identify in the Notification of Compliance a minimum gas flowrate limit and a maximum feedrate limit of mercury from all hazardous waste feedstreams that ensures the MTEC calculated in paragraph (b)(15)(iii)(C) of this section is below the operating requirement of paragraph (b)(15)(ii) of this section; and
40 CFR 63, §63.1206(b)(15)(iv)	(B) Interlock the minimum gas flowrate limit and maximum feedrate limits in paragraph (b)(15)(iv)(A) of this section to the AWFCO system to stop hazardous waste burning when the gas flowrate or mercury feedrate exceeds the limits in paragraph (b)(15)(iv)(A) of this section.
40 CFR 63, §63.1206(b)(15)(v)	(v) Notification requirement. You must notify in writing the RCRA authority that you intend to comply with the alternative standard.
40 CFR 63, §63.1206(c)(1)(i)	(c) *Operating requirements*-(1) *General.* (i) You must operate only under the operating requirements specified in the Documentation of Compliance under §63.1211(c) or the Notification of Compliance under §§63.1207(j) and 63.1210(d), except:
40 CFR 63, §63.1206(c)(1)(i)	(A) During performance tests under approved test plans according to §63.1207(e), (f), and (g), and

40 CFR 63, §63.1206(c)(1)(i)	(B) Under the conditions of paragraph (b)(1)(i) or (ii) of this section;
40 CFR 63, §63.1206(c)(1)(ii)	(ii) The Documentation of Compliance and the Notification of Compliance must contain operating requirements including, but not limited to, the operating requirements in this section and §63.1209
40 CFR 63, §63.1206(c)(1)(iii)	(iii) Failure to comply with the operating requirements is failure to ensure compliance with the emission standards of this subpart;
40 CFR 63, §63.1206(c)(1)(iv)	(iv) Operating requirements in the Notification of Compliance are applicable requirements for purposes of parts 70 and 71 of this chapter;
40 CFR 63, §63.1206(c)(1)(v)	(v) The operating requirements specified in the Notification of Compliance will be incorporated in the title V permit.
40 CFR 63, §63.1206(c)(2)(i)	(2) Startup, shutdown, and malfunction plan. (i) You are subject to the startup, shutdown, and malfunction plan requirements of §63.6(e)(3).
40 CFR 63, §63.1206(c)(2)(ii)	(ii) If you elect to comply with §§270.235(a)(1)(iii), 270.235(a)(2)(iii), or 270.235(b)(1)(ii) of this chapter to address RCRA concerns that you minimize emissions of toxic compounds from startup, shutdown, and malfunction events (including releases from emergency safety vents):
40 CFR 63, §63.1206(c)(2)(ii)	(A) The startup, shutdown, and malfunction plan must include a description of potential causes of malfunctions, including releases from emergency safety vents, that may result in significant releases of hazardous air pollutants, and actions the source is taking to minimize the frequency and severity of those malfunctions.
40 CFR 63, §63.1206(c)(2)(ii)	(B) You must submit the startup, shutdown, and malfunction plan to the Administrator for review and approval.
40 CFR 63, §63.1206(c)(2)(ii)	(*1*) *Approval procedure.* The Administrator will notify you of approval or intention to deny approval of the startup, shutdown, and malfunction plan within 90 calendar days after receipt of the original request and within 60 calendar days after receipt of any supplemental information that you submit. Before disapproving the plan, the Administrator will notify you of the Administrator's intention to disapprove the plan together with:
40 CFR 63, §63.1206(c)(2)(ii)	(*i*) Notice of the information and findings on which intended disapproval is based; and
40 CFR 63, §63.1206(c)(2)(ii)	(*ii*) Notice of opportunity for you to present additional information to the Administrator before final action on disapproval of the plan. At the time the Administrator notifies you of intention to disapprove the plan, the Administrator will specify how much time you will have after being notified on the intended disapproval to submit additional information.
40 CFR 63, §63.1206(c)(2)(ii)	(2) *Responsibility of owners and operators.* You are responsible for ensuring that you submit any supplementary and additional information supporting your plan in a timely manner to enable the Administrator to consider whether to approve the plan. Neither your submittal of the plan, nor the Administrator's failure to approve or disapprove the plan, relieves you of the responsibility to comply with the provisions of this subpart.

40 CFR 63, §63.1206(c)(2)(ii)	(C) *Changes to the plan that may significantly increase emissions.* (*1*) You must request approval in writing from the Administrator within 5 days after making a change to the startup, shutdown, and malfunction plan that may significantly increase emissions of hazardous air pollutants.
40 CFR 63, §63.1206(c)(2)(ii)	(2) To request approval of such changes to the startup, shutdown, and malfunction plan, you must follow the procedures provided by paragraph (c)(2)(ii)(B) of this section for initial approval of the plan.
40 CFR 63, §63.1206(c)(2)(iii)	(iii) You must identify in the plan a projected oxygen correction factor based on normal operations to use during periods of startup and shutdown.
40 CFR 63, §63.1206(c)(2)(iv)	(iv) You must record the plan in the operating record.
40 CFR 63, §63.1206(c)(2)(v)	(v) *Operating under the startup, shutdown, and malfunction plan.* (A) *Compliance with AWFCO requirements during malfunctions.* (*1*) During malfunctions, the automatic waste feed cutoff requirements of §63.1206(c)(3) continue to apply, except for paragraphs (c)(3)(v) and (c)(3)(vi) of this section. If you exceed a part 63, Subpart EEE, of this chapter emission standard monitored by a CEMS or COMs or operating limit specified under §63.1209, the automatic waste feed cutoff system must immediately and automatically cutoff the hazardous waste feed, except as provided by paragraph (c)(3)(viii) of this section. If the malfunction itself prevents immediate and automatic cutoff of the hazardous waste feed, however, you must cease feeding hazardous waste as quickly as possible.
40 CFR 63, §63.1206(c)(2)(v)	(2) Although the automatic waste feed cutoff requirements continue to apply during a malfunction, an exceedance of an emission standard monitored by a CEMS or COMS or operating limit specified under §63.1209 is not a violation of this subpart if you take the corrective measures prescribed in the startup, shutdown, and malfunction plan.
40 CFR 63, §63.1206(c)(2)(v)	(*3*) *Excessive exceedances during malfunctions.* For each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber (*i.e.,* when the hazardous waste residence time has not transpired since the hazardous waste feed was cutoff) during a 60-day block period, you must:
40 CFR 63, §63.1206(c)(2)(v)	(*i*) Within 45 days of the 10th exceedance, complete an investigation of the cause of each exceedance and evaluation of approaches to minimize the frequency, duration, and severity of each exceedance, and revise the startup, shutdown, and malfunction plan as warranted by the evaluation to minimize the frequency, duration, and severity of each exceedance; and
40 CFR 63, §63.1206(c)(2)(v)	(ii) Record the results of the investigation and evaluation in the operating record, and include a summary of the investigation and evaluation, and any changes to the startup, shutdown, and malfunction plan, in the excess emissions report required under §63.10(e)(3).
40 CFR 63, §63.1206(c)(2)(v)	(B) *Compliance with AWFCO requirements when burning hazardous waste during startup and shutdown.* (*1*) If you feed hazardous waste during startup or shutdown, you must include waste feed restrictions (*e.g.,* type and quantity), and other appropriate operating conditions and limits in the startup, shutdown, and malfunction plan.

40 CFR 63, §63.1206(c)(2)(v)	(2) You must interlock the operating limits you establish under paragraph (c)(2)(v)(B)(1) of this section with the automatic waste feed cutoff system required under §63.1206(c)(3), except for paragraphs (c)(3)(v) and (c)(3)(vi) of this section.
40 CFR 63, §63.1206(c)(2)(v)	(*3*) When feeding hazardous waste during startup or shutdown, the automatic waste feed cutoff system must immediately and automatically cutoff the hazardous waste feed if you exceed the operating limits you establish under paragraph (c)(2)(v)(B)(*1*) of this section, except as provided by paragraph (c)(3)(viii) of this section.
40 CFR 63, §63.1206(c)(2)(v)	(*4*) Although the automatic waste feed cutoff requirements of this paragraph apply during startup and shutdown, an exceedance of an emission standard or operating limit is not a violation of this subpart if you comply with the operating procedures prescribed in the startup, shutdown, and malfunction plan.
40 CFR 63, §63.1206(c)(3)(i)	(3) *Automatic waste feed cutoff (AWFCO)*-(i) *General.* Upon the compliance date, you must operate the hazardous waste combustor with a functioning system that immediately and automatically cuts off the hazardous waste feed, except as provided by paragraph (c)(3)(viii) of this section:
40 CFR 63, §63.1206(c)(3)(i)	(A) When any of the following are exceeded: Operating parameter limits specified under §63.1209; an emission standard monitored by a CEMS; and the allowable combustion chamber pressure;
40 CFR 63, §63.1206(c)(3)(i)	(B) When the span value of any CMS detector, except a CEMS, is met or exceeded;
40 CFR 63, §63.1206(c)(3)(i)	(C) Upon malfunction of a CMS monitoring an operating parameter limit specified under §63.1209 or an emission level; or
40 CFR 63, §63.1206(c)(3)(i)	(D) When any component of the automatic waste feed cutoff system fails.
40 CFR 63, §63.1206(c)(3)(ii)	(ii) *Ducting of combustion gases.* During an AWFCO, you must continue to duct combustion gasses to the air pollution control system while hazardous waste remains in the combustion chamber (*i.e.*, if the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated).
40 CFR 63, §63.1206(c)(3)(iii)	(iii) Restarting waste feed. You must continue to monitor during the cutoff the operating parameters for which limits are established under §63.1209 and the emissions required under that section to be monitored by a CEMS, and you must not restart the hazardous waste feed until the operating parameters and emission levels are within the specified limits.
40 CFR 63, §63.1206(c)(3)(iv)	(iv) *Failure of the AWFCO system.* If the AWFCO system fails to automatically and immediately cutoff the flow of hazardous waste upon exceedance of a parameter required to be interlocked with the AWFCO system under paragraph (c)(3)(i) of this section, you have failed to comply with the AWFCO requirements of paragraph (c)(3) of this section. If an equipment or other failure prevents immediate and automatic cutoff of the hazardous waste feed, however, you must cease feeding hazardous waste as quickly as possible.

40 CFR 63, §63.1206(c)(3)(v)	(v) *Corrective measures.* If, after any AWFCO, there is an exceedance of an emission standard or operating requirement, irrespective of whether the exceedance occurred while hazardous waste remained in the combustion chamber (*i.e.,* whether the hazardous waste residence time has transpired since the hazardous waste feed cutoff system was activated), you must investigate the cause of the AWFCO, take appropriate corrective measures to minimize future AWFCOs, and record the findings and corrective measures in the operating record.
40 CFR 63, §63.1206(c)(3)(vi)	(vi) *Excessive exceedance reporting.* (A) For each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber (*i.e.,* when the hazardous waste residence time has not transpired since the hazardous waste feed was cutoff) during a 60-day block period, you must submit to the Administrator a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken.
40 CFR 63, §63.1206(c)(3)(vi)	(B) On a case-by-case basis, the Administrator may require excessive exceedance reporting when fewer than 10 exceedances occur during a 60-day block period.
40 CFR 63, §63.1206(c)(3)(vii)	(vii) *Testing.* The AWFCO system and associated alarms must be tested at least weekly to verify operability, unless you document in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, you must conduct operability testing at least monthly. You must document and record in the operating record AWFCO operability test procedures and results.
40 CFR 63, §63.1206(c)(3)(viii)	(viii) *Ramping down waste feed.* (A) You may ramp down the waste feedrate of pumpable hazardous waste over a period not to exceed one minute, except as provided by paragraph (c)(3)(viii)(B) of this section. If you elect to ramp down the waste feed, you must document ramp down procedures in the operating and maintenance plan. The procedures must specify that the ramp down begins immediately upon initiation of automatic waste feed cutoff and the procedures must prescribe a bona fide ramping down. If an emission standard or operating limit is exceeded during the ramp down, you have failed to comply with the emission standards or operating requirements of this subpart.
40 CFR 63, §63.1206(c)(3)(viii)	(B) If the automatic waste feed cutoff is triggered by an exceedance of any of the following operating limits, you may not ramp down the waste feed cutoff: Minimum combustion chamber temperature, maximum hazardous waste feedrate, or any hazardous waste firing system operating limits that may be established for your combustor.
40 CFR 63, §63.1206(c)(5)(i)	(5) *Combustion system leaks.* (i) Combustion system leaks of hazardous air pollutants must be controlled by:
40 CFR 63, §63.1206(c)(5)(i)	(A) Keeping the combustion zone sealed to prevent combustion system leaks; or
40 CFR 63, §63.1206(c)(5)(i)	(B) Maintaining the maximum combustion zone pressure lower than ambient pressure using an instantaneous monitor; or

40 CFR 63, §63.1206(c)(5)(i)	(C) Upon prior written approval of the Administrator, an alternative means of control to provide control of combustion system leaks equivalent to maintenance of combustion zone pressure lower than ambient pressure; or
40 CFR 63, §63.1206(c)(5)(i)	(D) Upon prior written approval of the Administrator, other technique(s) which can be demonstrated to prevent fugitive emissions without use of instantaneous pressure limits; and
40 CFR 63, §63.1206(c)(5)(ii)	(ii) You must specify in the performance test workplan and Notification of Compliance the method that will be used to control combustion system leaks. If you control combustion system leaks by maintaining the combustion zone pressure lower than ambient pressure using an instantaneous monitor, you must also specify in the performance test workplan and Notification of Compliance the monitoring and recording frequency of the pressure monitor, and specify how the monitoring approach will be integrated into the automatic waste feed cutoff system.
40 CFR 63, §63.1206(c)(6)(i)	(6) *Operator training and certification.* (i) You must establish training programs for all categories of personnel whose activities may reasonably be expected to directly affect emissions of hazardous air pollutants from the source. Such persons include, but are not limited to, chief facility operators, control room operators, continuous monitoring system operators, persons that sample and analyze feedstreams, persons that manage and charge feedstreams to the combustor, persons that operate emission control devices, and ash and waste handlers. Each training program shall be of a technical level commensurate with the person's job duties specified in the training manual. Each commensurate training program shall require an examination to be administered by the instructor at the end of the training course. Passing of this test shall be deemed the "certification" for personnel, except that, for control room operators, the training and certification program shall be as specified in paragraphs (c)(6)(iii) through (c)(6)(vi) of this section.
40 CFR 63, §63.1206(c)(6)(ii)	(ii) You must ensure that the source is operated and maintained at all times by persons who are trained and certified to perform these and any other duties that may affect emissions of hazardous air pollutants. A certified control room operator must be on duty at the site at all times the source is in operation.
40 CFR 63, §63.1206(c)(6)(iii)	(iii) Hazardous waste incinerator control room operators must:
40 CFR 63, §63.1206(c)(6)(iii)	(A) Be trained and certified under a site-specific, source-developed and implemented program that meets the requirements of paragraph (c)(6)(v) of this section; or
40 CFR 63, §63.1206(c)(6)(iii)	(B) Be trained under the requirements of, and certified under, one of the following American Society of Mechanical Engineers (ASME) standards: QHO-1-1994, QHO-1a-1996, or QHO-1-2004 (Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators). If you elect to use the ASME program:
40 CFR 63, §63.1206(c)(6)(iii)	(*1*) Control room operators must, prior to the compliance date, achieve provisional certification, and must submit an application to ASME and be scheduled for the full certification exam. Within one year of the compliance date, control room operators must achieve full certification;

40 CFR 63, §63.1206(c)(6)(iii)	(2) New operators and operators of new sources must, before assuming their duties, achieve provisional certification, and must submit an application to ASME, and be scheduled for the full certification exam. Within one year of assuming their duties, these operators must achieve full certification; or
40 CFR 63, §63.1206(c)(6)(iii)	(C) Be trained and certified under a State program.
40 CFR 63, §63.1206(c)(6)(iv)	(iv) Control room operators of cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers, and hydrochloric acid production furnaces must be trained and certified under:
40 CFR 63, §63.1206(c)(6)(iv)	(A) A site-specific, source-developed and implemented program that meets the requirements of paragraph (c)(6)(v) of this section; or
40 CFR 63, §63.1206(c)(6)(iv)	(B) A State program.
40 CFR 63, §63.1206(c)(6)(v)	(v) Site-specific, source developed and implemented training programs for control room operators must include the following elements:
40 CFR 63, §63.1206(c)(6)(v)	(A) Training on the following subjects:
40 CFR 63, §63.1206(c)(6)(v)	(*1*) Environmental concerns, including types of emissions;
40 CFR 63, §63.1206(c)(6)(v)	(*2*) Basic combustion principles, including products of combustion;
40 CFR 63, §63.1206(c)(6)(v)	(*3*) Operation of the specific type of combustor used by the operator, including proper startup, waste firing, and shutdown procedures;
40 CFR 63, §63.1206(c)(6)(v)	(*4*) Combustion controls and continuous monitoring systems;
40 CFR 63, §63.1206(c)(6)(v)	(*5*) Operation of air pollution control equipment and factors affecting performance;
40 CFR 63, §63.1206(c)(6)(v)	(*6*) Inspection and maintenance of the combustor, continuous monitoring systems, and air pollution control devices;
40 CFR 63, §63.1206(c)(6)(v)	(*7*) Actions to correct malfunctions or conditions that may lead to malfunction;
40 CFR 63, §63.1206(c)(6)(v)	(*8*) Residue characteristics and handling procedures; and
40 CFR 63, §63.1206(c)(6)(v)	(*9*) Applicable Federal, state, and local regulations, including Occupational Safety and Health Administration workplace standards; and

40 CFR 63, §63.1206(c)(6)(v)	(B) An examination designed and administered by the instructor; and
40 CFR 63, §63.1206(c)(6)(v)	(C) Written material covering the training course topics that may serve as reference material following completion of the course.
40 CFR 63, §63.1206(c)(6)(vi)	(vi) To maintain control room operator qualification under a site-specific, source developed and implemented training program as provided by paragraph (c)(6)(v) of this section, control room operators must complete an annual review or refresher course covering, at a minimum, the following topics:
40 CFR 63, §63.1206(c)(6)(vi)	(A) Update of regulations;
40 CFR 63, §63.1206(c)(6)(vi)	(B) Combustor operation, including startup and shutdown procedures, waste firing, and residue handling;
40 CFR 63, §63.1206(c)(6)(vi)	(C) Inspection and maintenance;
40 CFR 63, §63.1206(c)(6)(vi)	(D) Responses to malfunctions or conditions that may lead to malfunction; and
40 CFR 63, §63.1206(c)(6)(vi)	(E) Operating problems encountered by the operator.
40 CFR 63, §63.1206(c)(6)(vii)	(vii) You must record the operator training and certification program in the operating record.
40 CFR 63, §63.1206(c)(7)(i)	(7) *Operation and maintenance plan*-(i) You must prepare and at all times operate according to an operation and maintenance plan that describes in detail procedures for operation, inspection, maintenance, and corrective measures for all components of the combustor, including associated pollution control equipment, that could affect emissions of regulated hazardous air pollutants.
40 CFR 63, §63.1206(c)(7)(ii)	(ii) The plan must prescribe how you will operate and maintain the combustor in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels achieved during the comprehensive performance test.
40 CFR 63, §63.1206(c)(7)(iii)	(iii) This plan ensures compliance with the operation and maintenance requirements of §63.6(e) and minimizes emissions of pollutants, automatic waste feed cutoffs, and malfunctions.
40 CFR 63, §63.1206(c)(7)(iv)	(iv) You must record the plan in the operating record.
40 CFR 63, §63.1206(c)(8)(i)	(8) *Bag leak detection system requirements.* (i) If your combustor is equipped with a baghouse (fabric filter), you must continuously operate either:

40 CFR 63, §63.1206(c)(8)(i)	(A) A bag leak detection system that meets the specifications and requirements of paragraph (c)(8)(ii) of this section and you must comply with the corrective measures and notification requirements of paragraphs (c)(8)(iii) and (iv) of this section; or
40 CFR 63, §63.1206(c)(8)(i)	(B) A particulate matter detection system under paragraph (c)(9) of this section.
40 CFR 63, §63.1206(c)(8)(ii)	(ii) Bag leak detection system specification and requirements. (A) The bag leak detection system must be certified by the manufacturer to be capable of continuously detecting and recording particulate matter emissions at concentrations of 1.0 milligrams per actual cubic meter unless you demonstrate, under §63.1209(g)(1), that a higher detection limit would routinely detect particulate matter loadings during normal operations;
40 CFR 63, §63.1206(c)(8)(ii)	(B) The bag leak detection system shall provide output of relative or absolute particulate matter loadings;
40 CFR 63, §63.1206(c)(8)(ii)	(C) The bag leak detection system shall be equipped with an alarm system that will sound an audible alarm when an increase in relative particulate loadings is detected over a preset level;
40 CFR 63, §63.1206(c)(8)(ii)	(D) The bag leak detection system shall be installed and operated in a manner consistent with available written guidance from the U.S. Environmental Protection Agency or, in the absence of such written guidance, the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system;
40 CFR 63, §63.1206(c)(8)(ii)	(E) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time;
40 CFR 63, §63.1206(c)(8)(ii)	(F) Following initial adjustment, you must not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the operation and maintenance plan required under paragraph (c)(7) of this section. You must not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365 day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition;
40 CFR 63, §63.1206(c)(8)(ii)	(G) For negative pressure or induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector shall be installed downstream of the baghouse and upstream of any wet acid gas scrubber; and
40 CFR 63, §63.1206(c)(8)(ii)	(H) Where multiple detectors are required, the system's instrumentation and alarm system may be shared among the detectors.

40 CFR 63, §63.1206(c)(8)(iii)	(iii) *Bag leak detection system corrective measures requirements.* The operating and maintenance plan required by paragraph (c)(7) of this section must include a corrective measures plan that specifies the procedures you will follow in the case of a bag leak detection system alarm. The corrective measures plan must include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective measures taken to correct the control device malfunction or minimize emissions as specified below. Failure to initiate the corrective measures required by this paragraph is failure to ensure compliance with the emission standards in this subpart.
40 CFR 63, §63.1206(c)(8)(iii)	(A) You must initiate the procedures used to determine the cause of the alarm within 30 minutes of the time the alarm first sounds; and
40 CFR 63, §63.1206(c)(8)(iii)	(B) You must alleviate the cause of the alarm by taking the necessary corrective measure(s) which may include, but are not to be limited to, the following:
40 CFR 63, §63.1206(c)(8)(iii)	(*1*) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions;
40 CFR 63, §63.1206(c)(8)(iii)	(*2*) Sealing off defective bags or filter media;
40 CFR 63, §63.1206(c)(8)(iii)	(*3*) Replacing defective bags or filter media, or otherwise repairing the control device;
40 CFR 63, §63.1206(c)(8)(iii)	(*4*) Sealing off a defective baghouse compartment;
40 CFR 63, §63.1206(c)(8)(iii)	(*5*) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system; or
40 CFR 63, §63.1206(c)(8)(iii)	(*6*) Shutting down the combustor.
40 CFR 63, §63.1206(c)(8)(iv)	(iv) *Excessive exceedances notification.* If you operate the combustor when the detector response exceeds the alarm set-point more than 5 percent of the time during any 6-month block time period, you must submit a notification to the Administrator within 30 days of the end of the 6-month block time period that describes the causes of the exceedances and the revisions to the design, operation, or maintenance of the combustor or baghouse you are taking to minimize exceedances. To document compliance with this requirement:
40 CFR 63, §63.1206(c)(8)(iv)	(A) You must 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;
40 CFR 63, §63.1206(c)(8)(iv)	(B) You must record the percent of the operating time during each 6-month period that the alarm sounds;
40 CFR 63, §63.1206(c)(8)(iv)	(C) In calculating the operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted; and

40 CFR 63, §63.1206(c)(8)(iv)	(D) If corrective action is required, each alarm shall be counted as a minimum of 1 hour.
40 CFR 63, §63.1207(a)	(a) General. The provisions of §63.7 apply, except as noted below.
40 CFR 63, §63.1207(b)(1)	(b) Types of performance tests- (1) Comprehensive performance test. You must conduct comprehensive performance tests to demonstrate compliance with the emission standards provided by this subpart, establish limits for the operating parameters provided by §63.1209, and demonstrate compliance with the performance specifications for continuous monitoring systems.
40 CFR 63, §63.1207(b)(2)	(2) *Confirmatory performance test.* You must conduct confirmatory performance tests to:
40 CFR 63, §63.1207(b)(2)(i)	(i) Demonstrate compliance with the dioxin/furan emission standard when the source operates under normal operating conditions; and
40 CFR 63, §63.1207(b)(2)(ii)	(ii) Conduct a performance evaluation of continuous monitoring systems required for compliance assurance with the dioxin/furan emission standard under §63.1209(k).
40 CFR 63, §63.1207(c)(1)	(c) *Initial comprehensive performance test-* (1) *Test date.* Except as provided by paragraphs (c)(2) and (c)(3) of this section, you must commence the initial comprehensive performance test not later than six months after the compliance date.
40 CFR 63, §63.1207(c)(3)	(3) For incinerators, cement kilns, and lightweight aggregate kilns, you must commence the initial comprehensive performance test to demonstrate compliance with the standards under §§63.1219, 63.1220, and 63.1221 not later than 12 months after the compliance date.
40 CFR 63, §63.1207(d)	(d) *Frequency of testing.* Except as otherwise specified in paragraph (d)(4) of this section, you must conduct testing periodically as prescribed in paragraphs (d)(1) through (d)(3) of this section. The date of commencement of the initial comprehensive performance test is the basis for establishing the deadline to commence the initial confirmatory performance test and the next comprehensive performance test. You may conduct performance testing at any time prior to the required date. The deadline for commencing subsequent confirmatory and comprehensive performance testing is based on the date of commencement of the previous comprehensive performance test. Unless the Administrator grants a time extension under paragraph (i) of this section, you must conduct testing as follows:
40 CFR 63, §63.1207(d)(1)	(1) *Comprehensive performance testing.* Except as otherwise specified in paragraph (d)(4) of this section, you must commence testing no later than 61 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the subsequent comprehensive performance test within 61 months of commencing the test used to provide the data in lieu of the initial performance test.

40 CFR 63, §63.1207(d)(2)	(2) *Confirmatory performance testing.* Except as otherwise specified in paragraph (d)(4) of this section, you must commence confirmatory performance testing no later than 31 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the initial confirmatory performance test within 31 months of the date six months after the compliance date. To ensure that the confirmatory test is conducted approximately midway between comprehensive performance tests, the Administrator will not approve a test plan that schedules testing within 18 months of commencing the previous comprehensive performance test.
40 CFR 63, §63.1207(d)(3)	(3) *Duration of testing.* You must complete performance testing within 60 days after the date of commencement, unless the Administrator determines that a time extension is warranted based on your documentation in writing of factors beyond your control that prevent you from meeting the 60-day deadline.
40 CFR 63, §63.1207(e)(1)	(e) *Notification of performance test and CMS performance evaluation, and approval of test plan and CMS performance evaluation plan.* (1) The provisions of §63.7(b) and (c) and §63.8(e) apply, except:
40 CFR 63, §63.1207(e)(1)(i)	(i) *Comprehensive performance test.* You must submit to the Administrator a notification of your intention to conduct a comprehensive performance test and CMS performance evaluation and a site-specific test plan and CMS performance evaluation test plan at least one year before the performance test and performance evaluation are scheduled to begin.
40 CFR 63, §63.1207(e)(1)(i)	(A) The Administrator will notify you of approval or intent to deny approval of the site-specific test plan and CMS performance evaluation test plan within 9 months after receipt of the original plan.
40 CFR 63, §63.1207(e)(1)(i)	(B) You must submit to the Administrator a notification of your intention to conduct the comprehensive performance test at least 60 calendar days before the test is scheduled to begin.
40 CFR 63, §63.1207(e)(1)(ii)	(ii) *Confirmatory performance test.* You must submit to the Administrator a notification of your intention to conduct a confirmatory performance test and CMS performance evaluation and a site-specific test plan and CMS performance evaluation test plan at least 60 calendar days before the performance test is scheduled to begin. The Administrator will notify you of approval or intent to deny approval of the site-specific test plan and CMS performance evaluation test plan within 30 calendar days after receipt of the original test plans.
40 CFR 63, §63.1207(e)(2)	(2) You must make your site-specific test plan and CMS performance evaluation test plan available to the public for review no later than 60 calendar days before initiation of the test. You must issue a public notice to all persons on your facility/public mailing list (developed pursuant to 40 CFR 70.7(h), 71.11(d)(3)(i)(E) and 124.10(c)(1)(ix)) announcing the availability of the test plans and the location where the test plans are available for review. The test plans must be accessible to the public for 60 calendar days, beginning on the date that you issue your public notice. The location must be unrestricted and provide access to the public during reasonable hours and provide a means for the public to obtain copies. The notification must include the following information at a minimum:
40 CFR 63, §63.1207(e)(2)(i)	(i) The name and telephone number of the source's contact person;

40 CFR 63, §63.1207(e)(2)(ii)	(ii) The name and telephone number of the regulatory agency's contact person;
40 CFR 63, §63.1207(e)(2)(iii)	(iii) The location where the test plans and any necessary supporting documentation can be reviewed and copied;
40 CFR 63, §63.1207(e)(2)(iv)	(iv) The time period for which the test plans will be available for public review; and
40 CFR 63, §63.1207(e)(2)(v)	(v) An expected time period for commencement and completion of the performance test and CMS performance evaluation test.
40 CFR 63, §63.1207(e)(3)	(3) Petitions for time extension if Administrator fails to approve or deny test plans. You may petition the Administrator under §63.7(h) to obtain a "waiver" of any performance test-initial or periodic performance test; comprehensive or confirmatory test. The "waiver" would be implemented as an extension of time to conduct the performance test at a later date.
40 CFR 63, §63.1207(e)(3)(i)	(i) Qualifications for the waiver. (A) You may not petition the Administrator for a waiver under this section if the Administrator has issued a notification of intent to deny your test plan(s) under §63.7(c)(3)(i)(B);
40 CFR 63, §63.1207(e)(3)(i)	(B) You must submit a site-specific emissions testing plan and a continuous monitoring system performance evaluation test plan at least one year before a comprehensive performance test is scheduled to begin as required by paragraph (c)(1) of this section, or at least 60 days before a confirmatory performance test is scheduled to begin as required by paragraph (d) of this section. The test plans must include all required documentation, including the substantive content requirements of paragraph (f) of this section and §63.8(e); and
40 CFR 63, §63.1207(e)(3)(i)	(C) You must make a good faith effort to accommodate the Administrator's comments on the test plans.
40 CFR 63, §63.1207(e)(3)(ii)	(ii) Procedures for obtaining a waiver and duration of the waiver: (A) You must submit to the Administrator a waiver petition or request to renew the petition under §63.7(h) separately for each source at least 60 days prior to the scheduled date of the performance test;
40 CFR 63, §63.1207(e)(3)(ii)	(B) The Administrator will approve or deny the petition within 30 days of receipt and notify you promptly of the decision;
40 CFR 63, §63.1207(e)(3)(ii)	(C) The Administrator will not approve an individual waiver petition for a duration exceeding 6 months;
40 CFR 63, §63.1207(e)(3)(ii)	(D) The Administrator will include a sunset provision in the waiver ending the waiver within 6 months;
40 CFR 63, §63.1207(e)(3)(ii)	(E) You may submit a revised petition to renew the waiver under §63.7(h)(3)(iii) at least 60 days prior to the end date of the most recently approved waiver petition;
40 CFR 63, §63.1207(e)(3)(ii)	(F) The Administrator may approve a revised petition for a total waiver period up to 12 months.

40 CFR 63, §63.1207(e)(3)(iii)	(iii) Content of the waiver. (A) You must provide documentation to enable the Administrator to determine that the source is meeting the relevant standard(s) on a continuous basis as required by §63.7(h)(2). For extension requests for the initial comprehensive performance test, you must submit your Documentation of Compliance to assist the Administrator in making this determination.
40 CFR 63, §63.1207(e)(3)(iii)	(B) You must include in the petition information justifying your request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test, as required by §63.7(h)(3)(iii).
40 CFR 63, §63.1207(e)(3)(iv)	(iv) *Public notice.* At the same time that you submit your petition to the Administrator, you must notify the public (e.g., distribute a notice to the facility/public mailing list developed pursuant to 40 CFR 70.7(h), 71.11(d)(3)(i)(E) and 124.10(c)(1)(ix)) of your petition to waive a performance test. The notification must include all of the following information at a minimum:
40 CFR 63, §63.1207(e)(3)(iv)	(A) The name and telephone number of the source's contact person;
40 CFR 63, §63.1207(e)(3)(iv)	(B) The name and telephone number of the regulatory agency's contact person;
40 CFR 63, §63.1207(e)(3)(iv)	(C) The date the source submitted its site-specific performance test plan and CMS performance evaluation test plans; and
40 CFR 63, §63.1207(e)(3)(iv)	(D) The length of time requested for the waiver.
40 CFR 63, §63.1207(f)	(f) Content of performance test plan. The provisions of §§63.7(c)(2)(i)-(iii) and (v) regarding the content of the test plan apply. In addition, you must include the following information in the test plan:
40 CFR 63, §63.1207(f)(1)	(f) Content of performance test plan. The provisions of §§63.7(c)(2)(i)-(iii) and (v) regarding the content of the test plan apply. In addition, you must include the following information in the test plan:
40 CFR 63, §63.1207(f)(1)	(A) Heating value, levels of ash (for hazardous waste incinerators only), levels of semivolatile metals, low volatile metals, mercury, and total chlorine (organic and inorganic); and
40 CFR 63, §63.1207(f)(1)	(B) Viscosity or description of the physical form of the feedstream;
40 CFR 63, §63.1207(f)(1)(ii)	(ii) For organic hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by §63.60:
40 CFR 63, §63.1207(f)(1)(ii)	(A) Except as provided by paragraph (f)(1)(ii)(D) of this section, an identification of such organic hazardous air pollutants that are present in each hazardous waste feedstream. You need not analyze for organic hazardous air pollutants that would reasonably not be expected to be found in the feedstream. You must identify any constituents you exclude from analysis and explain the basis for excluding them. You must conduct the feedstream analysis according to §63.1208(b)(8);

40 CFR 63, §63.1207(f)(1)(ii)	(B) An approximate quantification of such identified organic hazardous air pollutants in the hazardous waste feedstreams, within the precision produced by analytical procedures of §63.1208(b)(8); and
40 CFR 63, §63.1207(f)(1)(ii)	(C) A description of blending procedures, if applicable, prior to firing the hazardous waste feedstream, including a detailed analysis of the materials prior to blending, and blending ratios.
40 CFR 63, §63.1207(f)(1)(ii)	(D) The Administrator may approve on a case-by-case basis a hazardous waste feedstream analysis for organic hazardous air pollutants in lieu of the analysis required under paragraph (f)(1)(ii)(A) of this section if the reduced analysis is sufficient to ensure that the POHCs used to demonstrate compliance with the applicable DRE standards of this subpart continue to be representative of the most difficult to destroy organic compounds in your hazardous waste feedstreams;
40 CFR 63, §63.1207(f)(1)(iii)	(iii) A detailed engineering description of the hazardous waste combustor, including:
40 CFR 63, §63.1207(f)(1)(iii)	(A) Manufacturer's name and model number of the hazardous waste combustor;
40 CFR 63, §63.1207(f)(1)(iii)	(B) Type of hazardous waste combustor;
40 CFR 63, §63.1207(f)(1)(iii)	(C) Maximum design capacity in appropriate units;
40 CFR 63, §63.1207(f)(1)(iii)	(D) Description of the feed system for each feedstream;
40 CFR 63, §63.1207(f)(1)(iii)	(E) Capacity of each feed system;
40 CFR 63, §63.1207(f)(1)(iii)	(F) Description of automatic hazardous waste feed cutoff system(s);
40 CFR 63, §63.1207(f)(1)(iii)	(G) Description of the design, operation, and maintenance practices for any air pollution control system; and
40 CFR 63, §63.1207(f)(1)(iii)	(H) Description of the design, operation, and maintenance practices of any stack gas monitoring and pollution control monitoring systems;
40 CFR 63, §63.1207(f)(1)(iv)	(iv) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;
40 CFR 63, §63.1207(f)(1)(v)	(v) A detailed test schedule for each hazardous waste for which the performance test is planned, including date(s), duration, quantity of hazardous waste to be burned, and other relevant factors;

40 CFR 63, §63.1207(f)(1)(vi)	(vi) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feedrate for each feed system, and, as appropriate, the feedrates of other fuels and feedstocks, and any other relevant parameters that may affect the ability of the hazardous waste combustor to meet the emission standards;
40 CFR 63, §63.1207(f)(1)(vii)	(vii) A description of, and planned operating conditions for, any emission control equipment that will be used;
40 CFR 63, §63.1207(f)(1)(viii)	(viii) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction;
40 CFR 63, §63.1207(f)(1)(ix)	(ix) A determination of the hazardous waste residence time as required by §63.1206(b)(11);
40 CFR 63, §63.1207(f)(1)(x)	(x) If you are requesting to extrapolate metal feedrate limits from comprehensive performance test levels under §§63.1209(l)(1)(v) or 63.1209(n)(2)(vii):
40 CFR 63, §63.1207(f)(1)(x)	(A) A description of the extrapolation methodology and rationale for how the approach ensures compliance with the emission standards;
40 CFR 63, §63.1207(f)(1)(x)	(B) Documentation of the historical range of normal (*i.e.*, other than during compliance testing) metals feedrates for each feedstream;
40 CFR 63, §63.1207(f)(1)(x)	(C) Documentation that the level of spiking recommended during the performance test will mask sampling and analysis imprecision and inaccuracy to the extent that the extrapolated feedrate limits adequately assure compliance with the emission standards;
40 CFR 63, §63.1207(f)(1)(xi)	(xi) If you do not continuously monitor regulated constituents in natural gas, process air feedstreams, and feedstreams from vapor recovery systems under §63.1209(c)(5), you must include documentation of the expected levels of regulated constituents in those feedstreams;
40 CFR 63, §63.1207(f)(1)(xii)	(xii) Documentation justifying the duration of system conditioning required to ensure the combustor has achieved steady-state operations under performance test operating conditions, as provided by paragraph (g)(1)(iii) of this section;
40 CFR 63, §63.1207(f)(1)(xiii)	(xiii) For cement kilns with in-line raw mills, if you elect to use the emissions averaging provision of this subpart, you must notify the Administrator of your intent in the initial (and subsequent) comprehensive performance test plan, and provide the information required by the emission averaging provision;
40 CFR 63, §63.1207(f)(1)(xv)	(xv) If you request to use Method 23 for dioxin/furan you must provide the information required under §63.1208(b)(1)(i)(B);
40 CFR 63, §63.1207(f)(1)(xvi)	(xvi) If you are not required to conduct performance testing to document compliance with the mercury, semivolatile metals, low volatile metals, or hydrogen chloride/chlorine gas emission standards under paragraph (m) of this section, you must include with the comprehensive performance test plan documentation of compliance with the provisions of that section.

40 CFR 63, §63.1207(f)(1)(xvii)	(xvii) If you propose to use a surrogate for measuring or monitoring gas flowrate, you must document in the comprehensive performance test plan that the surrogate adequately correlates with gas flowrate, as required by paragraph (m)(7) of this section, and §63.1209(j)(2), (k)(3), (m)(2)(i), (n)(5)(i), and (o)(2)(i).
40 CFR 63, §63.1207(f)(1)(xviii)	(xviii) You must submit an application to request alternative monitoring under §63.1209(g)(1) not later than with the comprehensive performance test plan, as required by §63.1209(g)(1)(iii)(A).
40 CFR 63, §63.1207(f)(1)(xix)	(xix) You must document the temperature location measurement in the comprehensive performance test plan, as required by §§63.1209(j)(1)(i) and 63.1209(k)(2)(i).
40 CFR 63, §63.1207(f)(1)(xxvi)	(xxvi) For purposes of calculating semivolatile metal, low volatile metal, mercury, and total chlorine (organic and inorganic), and ash feedrate limits, a description of how you will handle performance test feedstream analytical results that determines these constituents are not present at detectable levels.
40 CFR 63, §63.1207(f)(1)(xxvii)	(xxvii) Such other information as the Administrator reasonably finds necessary to determine whether to approve the performance test plan.
40 CFR 63, §63.1207(f)(2)(i)	(2) *Content of confirmatory test plan.* (i) A description of your normal hydrocarbon or carbon monoxide operating levels, as specified in paragraph (g)(2)(i) of this section, and an explanation of how these normal levels were determined;
40 CFR 63, §63.1207(f)(2)(ii)	(ii) A description of your normal applicable operating parameter levels, as specified in paragraph (g)(2)(ii) of this section, and an explanation of how these normal levels were determined;
40 CFR 63, §63.1207(f)(2)(iii)	(iii) A description of your normal chlorine operating levels, as specified in paragraph (g)(2)(iii) of this section, and an explanation of how these normal levels were determined;
40 CFR 63, §63.1207(f)(2)(v)	(v) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;
40 CFR 63, §63.1207(f)(2)(vi)	(vi) A detailed test schedule for each hazardous waste for which the performance test is planned, including date(s), duration, quantity of hazardous waste to be burned, and other relevant factors;
40 CFR 63, §63.1207(f)(2)(vii)	(vii) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feedrate for each feed system, and, as appropriate, the feedrates of other fuels and feedstocks, and any other relevant parameters that may affect the ability of the hazardous waste combustor to meet the dioxin/furan emission standard;
40 CFR 63, §63.1207(f)(2)(viii)	(viii) A description of, and planned operating conditions for, any emission control equipment that will be used;
40 CFR 63, §63.1207(f)(2)(ix)	(ix) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction; and
40 CFR 63, §63.1207(f)(2)(x)	(x) Such other information as the Administrator reasonably finds necessary to determine whether to approve the confirmatory test plan.

40 CFR 63, §63.1207(g)	(g) *Operating conditions during testing.* You must comply with the provisions of §63.7(e). Conducting performance testing under operating conditions representative of the extreme range of normal conditions is consistent with the requirement of §63.7(e)(1) to conduct performance testing under representative operating conditions.
40 CFR 63, §63.1207(g)(1)(i)	(1) *Comprehensive performance testing*-(i) *Operations during testing.* For the following parameters, you must operate the combustor during the performance test under normal conditions (or conditions that will result in higher than normal emissions):
40 CFR 63, §63.1207(g)(1)(i)	(A) *Chlorine feedrate.* You must feed normal (or higher) levels of chlorine during the dioxin/furan performance test;
40 CFR 63, §63.1207(g)(1)(i)	(C) *Cleaning cycle of the particulate matter control device.* You must conduct the following tests when the particulate matter control device undergoes its normal (or more frequent) cleaning cycle: The particulate matter, semivolatile metal, and low volatile metal performance tests; and the dioxin/furan and mercury performance tests if activated carbon injection or a carbon bed is used.
40 CFR 63, §63.1207(g)(1)(ii)	(ii) Modes of operation. Given that you must establish limits for the applicable operating parameters specified in §63.1209 based on operations during the comprehensive performance test, you may conduct testing under two or more operating modes to provide operating flexibility.
40 CFR 63, §63.1207(g)(1)(iii)	(iii) Steady-state conditions. (A) Prior to obtaining performance test data, you must operate under performance test conditions until you reach steady-state operations with respect to emissions of pollutants you must measure during the performance test and operating parameters under §63.1209 for which you must establish limits. During system conditioning, you must ensure that each operating parameter for which you must establish a limit is held at the level planned for the performance test. You must include documentation in the performance test plan under paragraph (f) of this section justifying the duration of system conditioning.
40 CFR 63, §63.1207(g)(2)	(2) *Confirmatory performance testing.* You must conduct confirmatory performance testing for dioxin/furan under normal operating conditions for the following parameters:
40 CFR 63, §63.1207(g)(2)(i)	(i) Carbon monoxide (or hydrocarbon) CEMS emissions levels must be within the range of the average value to the maximum value allowed, except as provided by paragraph (g)(2)(iv) of this section. The average value is defined as the sum of the hourly rolling average values recorded (each minute) over the previous 12 months, divided by the number of rolling averages recorded during that time. The average value must not include calibration data, startup data, shutdown data, malfunction data, and data obtained when not burning hazardous waste;

40 CFR 63, §63.1207(g)(2)(ii)	(ii) Each operating limit (specified in §63.1209) established to maintain compliance with the dioxin/furan emission standard must be held within the range of the average value over the previous 12 months and the maximum or minimum, as appropriate, that is allowed, except as provided by paragraph (g)(2)(iv) of this section. The average value is defined as the sum of the rolling average values recorded over the previous 12 months, divided by the number of rolling averages recorded during that time. The average value must not include calibration data, startup data, shutdown data, malfunction data, and data obtained when not burning hazardous waste;
40 CFR 63, §63.1207(g)(2)(iii)	(iii) You must feed chlorine at normal feedrates or greater; and
40 CFR 63, §63.1207(g)(2)(v)	(v) The Administrator may approve an alternative range to that required by paragraphs (g)(2)(i) and (ii) of this section if you document in the confirmatory performance test plan that it may be problematic to maintain the required range during the test. In addition, when making the finding of compliance, the Administrator may consider test conditions outside of the range specified in the test plan based on a finding that you could not reasonably maintain the range specified in the test plan and considering factors including whether the time duration and level of the parameter when operations were out of the specified range were such that operations during the confirmatory test are determined to be reasonably representative of normal operations. In addition, the Administrator will consider the proximity of the emission test results to the standard.
40 CFR 63, §63.1207(h)(1)	(h) Operating conditions during subsequent testing. (1) Current operating parameter limits established under §63.1209 are waived during subsequent comprehensive performance testing.
40 CFR 63, §63.1207(h)(2)	(2) Current operating parameter limits are also waived during pretesting prior to comprehensive performance testing for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the Administrator) under an approved test plan or if the source records the results of the pretesting. Pretesting means:
40 CFR 63, §63.1207(h)(2)(i)	(i) Operations when stack emissions testing for dioxin/furan, mercury, semivolatile metals, low volatile metals, particulate matter, or hydrogen chloride/chlorine gas is being performed; and
40 CFR 63, §63.1207(h)(2)(ii)	(ii) Operations to reach steady-state operating conditions prior to stack emissions testing under paragraph (g)(1)(iii) of this section.
40 CFR 63, §63.1207(i)	(i) *Time extension for subsequent performance tests.* After the initial comprehensive performance test, you may request up to a one-year time extension for conducting a comprehensive or confirmatory performance test to consolidate performance testing with other state or federally required emission testing, or for other reasons deemed acceptable by the Administrator. If the Administrator grants a time extension for a comprehensive performance test, the deadlines for commencing the next comprehensive and confirmatory tests are based on the date that the subject comprehensive performance test commences.
40 CFR 63, §63.1207(i)(1)	(1) You must submit in writing to the Administrator any request under this paragraph for a time extension for conducting a performance test.

40 CFR 63, §63.1207(i)(2)	(2) You must include in the request for an extension for conducting a performance test the following:
40 CFR 63, §63.1207(i)(2)(i)	(i) A description of the reasons for requesting the time extension;
40 CFR 63, §63.1207(i)(2)(ii)	(ii) The date by which you will commence performance testing.
40 CFR 63, §63.1207(i)(3)	(3) The Administrator will notify you in writing of approval or intention to deny approval of your request for an extension for conducting a performance test within 30 calendar days after receipt of sufficient information to evaluate your request. The 30-day approval or denial period will begin after you have been notified in writing that your application is complete. The Administrator will notify you in writing 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 you submit.
40 CFR 63, §63.1207(i)(4)	(4) When notifying you that your application is not complete, the Administrator will specify the information needed to complete the application. The Administrator will also provide notice of opportunity for you to present, in writing, within 30 calendar days after notification of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.
40 CFR 63, §63.1207(i)(5)	(5) Before denying any request for an extension for performance testing, the Administrator will notify you in writing of the Administrator's intention to issue the denial, together with:
40 CFR 63, §63.1207(i)(5)(i)	(i) Notice of the information and findings on which the intended denial is based; and
40 CFR 63, §63.1207(i)(5)(ii)	(ii) Notice of opportunity for you to present in writing, within 15 calendar days after notification of the intended denial, additional information or arguments to the Administrator before further action on the request.
40 CFR 63, §63.1207(i)(6)	(6) The Administrator's final determination to deny any request for an extension will be in writing and will set forth specific grounds upon which the denial is based. The final determination will be made within 30 calendar days after the presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.
40 CFR 63, §63.1207(j)(1)(i)	(j) Notification of compliance-(1) Comprehensive performance test. (i) Except as provided by paragraphs (j)(4) and (j)(5) of this section, within 90 days of completion of a comprehensive performance test, you must postmark a Notification of Compliance documenting compliance with the emission standards and continuous monitoring system requirements, and identifying operating parameter limits under §63.1209.
40 CFR 63, §63.1207(j)(1)(ii)	(ii) Upon postmark of the Notification of Compliance, you must comply with all operating requirements specified in the Notification of Compliance in lieu of the limits specified in the Documentation of Compliance required under §63.1211(c).

40 CFR 63, §63.1207(j)(2)	(2) *Confirmatory performance test.* Except as provided by paragraph (j)(4) of this section, within 90 days of completion of a confirmatory performance test, you must postmark a Notification of Compliance documenting compliance or noncompliance with the applicable dioxin/furan emission standard.
40 CFR 63, §63.1207(j)(3)	(3) See §§63.7(g), 63.9(h), and 63.1210(d) for additional requirements pertaining to the Notification of Compliance (*e.g.*, you must include results of performance tests in the Notification of Compliance).
40 CFR 63, §63.1207(j)(4)	(4) *Time extension.* You may submit a written request to the Administrator for a time extension documenting that, for reasons beyond your control, you may not be able to meet the 90-day deadline for submitting the Notification of Compliance after completion of testing. The Administrator will determine whether a time extension is warranted.
40 CFR 63, §63.1207(j)(5)	(5) *Early compliance.* If you conduct the initial comprehensive performance test prior to the compliance date, you must postmark the Notification of Compliance within 90 days of completion of the performance test or by the compliance date, whichever is later.
40 CFR 63, §63.1207(k)(1)	(k) *Failure to submit a timely notification of compliance.* (1) If you fail to postmark a Notification of Compliance by the specified date, you must cease hazardous waste burning immediately.
40 CFR 63, §63.1207(k)(2)	(2) Prior to submitting a revised Notification of Compliance as provided by paragraph (k)(3) of this section, you may burn hazardous waste only for the purpose of pretesting or comprehensive performance testing and only for a maximum of 720 hours (renewable at the discretion of the Administrator).
40 CFR 63, §63.1207(k)(3)	(3) You must submit to the Administrator a Notification of Compliance subsequent to a new comprehensive performance test before resuming hazardous waste burning.
40 CFR 63, §63.1207(l)(1)	(l) *Failure of performance test*-(1) *Comprehensive performance test.* The provisions of this paragraph do not apply to the initial comprehensive performance test if you conduct the test prior to your compliance date.
40 CFR 63, §63.1207(l)(1)(i)	(i) If you determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that you have exceeded any emission standard during a comprehensive performance test for a mode of operation, you must cease hazardous waste burning immediately under that mode of operation. You must make this determination within 90 days following completion of the performance test.
40 CFR 63, §63.1207(l)(1)(ii)	(ii) If you have failed to demonstrate compliance with the emission standards for any mode of operation:
40 CFR 63, §63.1207(l)(1)(ii)	(A) Prior to submitting a revised Notification of Compliance as provided by paragraph (l)(1)(ii)(C) of this section, you may burn hazardous waste only for the purpose of pretesting or comprehensive performance testing under revised operating conditions, and only for a maximum of 720 hours (renewable at the discretion of the Administrator), except as provided by paragraph (l)(3) of this section;
40 CFR 63, §63.1207(l)(1)(ii)	(B) You must conduct a comprehensive performance test under revised operating conditions following the requirements for performance testing of this section; and
40 CFR 63, §63.1207(l)(1)(ii)	(C) You must submit to the Administrator a Notification of Compliance subsequent to the new comprehensive performance test.

40 CFR 63, §63.1207(l)(2)	(2) *Confirmatory performance test.* If you determine (based on CEM recordings, results of analyses of stack samples, or results of CMS performance evaluations) that you have failed the dioxin/furan emission standard during a confirmatory performance test, you must cease burning hazardous waste immediately. You must make this determination within 90 days following completion of the performance test. To burn hazardous waste in the future:
40 CFR 63, §63.1207(l)(2)(i)	(i) You must submit to the Administrator for review and approval a test plan to conduct a comprehensive performance test to identify revised limits on the applicable dioxin/furan operating parameters specified in §63.1209(k);
40 CFR 63, §63.1207(l)(2)(ii)	(ii) You must submit to the Administrator a Notification of Compliance with the dioxin/furan emission standard under the provisions of paragraphs (j) and (k) of this section and this paragraph (l). You must include in the Notification of Compliance the revised limits on the applicable dioxin/furan operating parameters specified in §63.1209(k); and
40 CFR 63, §63.1207(l)(2)(iii)	(iii) Until the Notification of Compliance is submitted, you must not burn hazardous waste except for purposes of pretesting or confirmatory performance testing, and for a maximum of 720 hours (renewable at the discretion of the Administrator), except as provided by paragraph (l)(3) of this section.
40 CFR 63, §63.1207(l)(3)	(3) You may petition the Administrator to obtain written approval to burn hazardous waste in the interim prior to submitting a Notification of Compliance for purposes other than testing or pretesting. You must specify operating requirements, including limits on operating parameters, that you determine will ensure compliance with the emission standards of this subpart based on available information including data from the failed performance test. The Administrator will review, modify as necessary, and approve if warranted the interim operating requirements. An approval of interim operating requirements will include a schedule for submitting a Notification of Compliance.
40 CFR 63, §63.1207(m)(1)	(m) Waiver of performance test. (1) The waiver provision of this paragraph applies in addition to the provisions of §63.7(h).
40 CFR 63, §63.1207(m)(2)	(2) You are not required to conduct performance tests to document compliance with the mercury, semivolatile metals, low volatile metals, or hydrogen chloride/chlorine gas emission standards under the conditions specified in this paragraph (m)(2). You are deemed to be in compliance with an emission standard if the twelve-hour rolling average maximum theoretical emission concentration (MTEC) does not exceed the emission standard:
40 CFR 63, §63.1207(m)(2)(i)	(i) Determine the feedrate of mercury, semivolatile metals, low volatile metals, or total chlorine and chloride from all feedstreams;
40 CFR 63, §63.1207(m)(2)(ii)	(ii) Determine the stack gas flowrate; and
40 CFR 63, §63.1207(m)(2)(iii)	(iii) Calculate a MTEC for each standard assuming all mercury, semivolatile metals, low volatile metals, or total chlorine (organic and inorganic) from all feedstreams is emitted;

40 CFR 63, §63.1207(m)(3)	(3) To document compliance with this provision, you must:
40 CFR 63, §63.1207(m)(3)(i)	(i) Monitor and record the feedrate of mercury, semivolatile metals, low volatile metals, and total chlorine and chloride from all feedstreams according to §63.1209(c);
40 CFR 63, §63.1207(m)(3)(ii)	(ii) Monitor with a CMS and record in the operating record the gas flowrate (either directly or by monitoring a surrogate parameter that you have correlated to gas flowrate);
40 CFR 63, §63.1207(m)(3)(iii)	(iii) Continuously calculate and record in the operating record the MTEC under the procedures of paragraph (m)(2) of this section; and
40 CFR 63, §63.1207(m)(3)(iv)	(iv) Interlock the MTEC calculated in paragraph (m)(2)(iii) of this section to the AWFCO system to stop hazardous waste burning when the MTEC exceeds the emission standard.
40 CFR 63, §63.1207(m)(4)	(4) In lieu of the requirement in paragraphs (m)(3)(iii) and (iv) of this section, you may:
40 CFR 63, §63.1207(m)(4)(i)	(i) Identify in the Notification of Compliance a minimum gas flowrate limit and a maximum feedrate limit of mercury, semivolatile metals, low volatile metals, and/or total chlorine and chloride from all feedstreams that ensures the MTEC as calculated in paragraph (m)(2)(iii) of this section is below the applicable emission standard; and
40 CFR 63, §63.1207(m)(4)(ii)	(ii) Interlock the minimum gas flowrate limit and maximum feedrate limit of paragraph (m)(4)(i) of this section to the AWFCO system to stop hazardous waste burning when the gas flowrate or mercury, semivolatile metals, low volatile metals, and/or total chlorine and chloride feedrate exceeds the limits of paragraph (m)(4)(i) of this section.
40 CFR 63, §63.1207(m)(5)	(5) When you determine the feedrate of mercury, semivolatile metals, low volatile metals, or total chlorine and chloride for purposes of this provision, except as provided by paragraph (m)(6) of this section, you must assume that the analyte is present at the full detection limit when the feedstream analysis determines that the analyte is not detected in the feedstream.
40 CFR 63, §63.1207(m)(6)	(6) Owners and operators of hazardous waste burning cement kilns and lightweight aggregate kilns may assume that mercury is present in raw material at half the detection limit when the raw material feedstream analysis determines that mercury is not detected.
40 CFR 63, §63.1207(m)(7)	(7) You must state in the site-specific test plan that you submit for review and approval under paragraph (e) of this section that you intend to comply with the provisions of this paragraph. You must include in the test plan documentation that any surrogate that is proposed for gas flowrate adequately correlates with the gas flowrate.
40 CFR 63, §63.1208(b)	(b) *Test methods.* You must use the following test methods to determine compliance with the emissions standards of this subpart:
40 CFR 63, §63.1208(b)(1)(i)	(1) *Dioxins and furans.* (i) To determine compliance with the emission standard for dioxins and furans, you must use:

40 CFR 63, §63.1208(b)(1)(i)	(A) Method 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans emissions from Stationary Sources, EPA Publication SW-846 (incorporated by reference- see §63.14); or
40 CFR 63, §63.1208(b)(1)(i)	(B) Method 23, provided in appendix A, part 60 of this chapter, after approval by the Administrator.
40 CFR 63, §63.1208(b)(1)(i)	(1) You may request approval to use Method 23 in the performance test plan required under §63.1207(e)(i) and (ii).
40 CFR 63, §63.1208(b)(1)(i)	(2) In determining whether to grant approval to use Method 23, the Administrator may consider factors including whether dioxin/furan were detected at levels substantially below the emission standard in previous testing, and whether previous Method 0023 analyses detected low levels of dioxin/furan in the front half of the sampling train.
40 CFR 63, §63.1208(b)(1)(i)	(3) Sources that emit carbonaceous particulate matter, such as coal-fired boilers, and sources equipped with activated carbon injection, will be deemed not suitable for use of Method 23 unless you document that there would not be a significant improvement in quality assurance with Method 0023A.
40 CFR 63, §63.1208(b)(1)(ii)	(ii) You must sample for a minimum of three hours, and you must collect a minimum sample volume of 2.5 dscm;
40 CFR 63, §63.1208(b)(1)(iii)	(iii) You may assume that nondetects are present at zero concentration.
40 CFR 63, §63.1208(b)(2)	(2) *Mercury.* You must use Method 29, provided in appendix A, part 60 of this chapter, to demonstrate compliance with emission standard for mercury.
40 CFR 63, §63.1208(b)(3)	(3) *Cadmium and lead.* You must use Method 29, provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for cadmium and lead (combined).
40 CFR 63, §63.1208(b)(4)	(4) *Arsenic, beryllium, and chromium.* You must use Method 29, provided in appendix A, part 60 of this chapter, to determine compliance with the emission standard for arsenic, beryllium, and chromium (combined).
40 CFR 63, §63.1208(b)(5)(i)	(5) *Hydrogen chloride and chlorine gas-*(i) *Compliance with MACT standards.* To determine compliance with the emission standard for hydrogen chloride and chlorine gas (combined), you must use:
40 CFR 63, §63.1208(b)(5)(i)	(A) Method 26/26A as provided in appendix A, part 60 of this chapter; or
40 CFR 63, §63.1208(b)(5)(i)	(B) Methods 320 or 321 as provided in appendix A, part 63 of this chapter, or

40 CFR 63, §63.1208(b)(5)(i)	(C) ASTM D 6735-01, Standard Test Method for Measurement of Gaseous Chlorides and Fluorides from Mineral Calcining Exhaust Sources-Impinger Method to measure emissions of hydrogen chloride, and Method 26/26A to measure emissions of chlorine gas, provided that you follow the provisions in paragraphs (b)(5)(C)(*1*) through (*6*) of this section. ASTM D 6735-01 is available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.
40 CFR 63, §63.1208(b)(5)(i)	(*1*) A test must include three or more runs in which a pair of samples is obtained simultaneously for each run according to section 11.2.6 of ASTM Method D6735-01.
40 CFR 63, §63.1208(b)(5)(i)	(*2*) You must calculate the test run standard deviation of each set of paired samples to quantify data precision, according to Equation 1 of this section:
40 CFR 63, §63.1208(b)(5)(i)	(*3*) You must calculate the test average relative standard deviation according to Equation 2 of this section:
40 CFR 63, §63.1208(b)(5)(i)	(*4*) If RSDTA is greater than 20 percent, the data are invalid and the test must be repeated.
40 CFR 63, §63.1208(b)(5)(i)	(*5*) The post-test analyte spike procedure of section 11.2.7 of ASTM Method D6735-01 is conducted, and the percent recovery is calculated according to section 12.6 of ASTM Method D6735-01.
40 CFR 63, §63.1208(b)(5)(i)	(*6*) If the percent recovery is between 70 percent and 130 percent, inclusive, the test is valid. If the percent recovery is outside of this range, the data are considered invalid, and the test must be repeated.
40 CFR 63, §63.1208(b)(5)(ii)	(ii) *Compliance with risk-based limits under §63.1215.* To demonstrate compliance with emission limits established under §63.1215, you must use Method 26/26A as provided in appendix A, part 60 of this chapter, Method 320 as provided in appendix A, part 63 of this chapter, Method 321 as provided in appendix A, part 63 of this chapter, or ASTM D 6735-01, Standard Test Method for Measurement of Gaseous Chlorides and Fluorides from Mineral Calcining Exhaust Sources-Impinger Method (following the provisions of paragraphs (b)(5)(C)(*1*) through (*6*) of this section), except:
40 CFR 63, §63.1208(b)(6)	(6) *Particulate matter.* You must use Methods 5 or 5I, provided in appendix A, part 60 of this chapter, to demonstrate compliance with the emission standard for particulate matter.
40 CFR 63, §63.1208(b)(7)	(7) *Other Test Methods.* You may use applicable test methods in EPA Publication SW-846, as incorporated by reference in paragraph (a) of this section, as necessary to demonstrate compliance with requirements of this subpart, except as otherwise specified in paragraphs (b)(2)-(b)(6) of this section.
40 CFR 63, §63.1208(b)(8)	(8) *Feedstream analytical methods.* You may use any reliable analytical method to determine feedstream concentrations of metals, chlorine, and other constituents. It is your responsibility to ensure that the sampling and analysis procedures are unbiased, precise, and that the results are representative of the feedstream.
40 CFR 63, §63.1208(b)(9)	(9) Opacity. If you determine compliance with the opacity standard under the monitoring requirements of §§63.1209(a)(1)(iv) and (a)(1)(v), you must use Method 9, provided in appendix A, part 60 of this chapter.

40 CFR 63, §63.1209(a)(1)(i)	(a) *Continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS).* (1)(i) You must use either a carbon monoxide or hydrocarbon CEMS to demonstrate and monitor compliance with the carbon monoxide and hydrocarbon standard under this subpart. You must also use an oxygen CEMS to continuously correct the carbon monoxide or hydrocarbon level to 7 percent oxygen.
40 CFR 63, §63.1209(a)(1)(ii)	(ii) (A) *Cement kilns under §63.1204*-Except as provided by paragraphs (a)(1)(iv) and (a)(1)(v) of the section, you must use a COMS to demonstrate and monitor compliance with the opacity standard under §§63.1204(a)(7) and (b)(7) at each point where emissions are vented from these affected sources including the bypass stack of a preheater or preheater/precalciner kiln with dual stacks.
40 CFR 63, §63.1209(a)(1)(ii)	(B) *Cement kilns under §63.1220*-Except as provided by paragraphs (a)(1)(iv) and (a)(1)(v) of the section and unless your source is equipped with a bag leak detection system under §63.1206(c)(8) or a particulate matter detection system under §63.1206(c)(9), you must use a COMS to demonstrate and monitor compliance with the opacity standard under §§63.1220(a)(7) and (b)(7) at each point where emissions are vented from these affected sources including the bypass stack of a preheater or preheater/precalciner kiln with dual stacks.
40 CFR 63, §63.1209(a)(1)(ii)	(C) You must maintain and operate each COMS in accordance with the requirements of §63.8(c) except for the requirements under §63.8(c)(3). The requirements of §63.1211(c) shall be complied with instead of §63.8(c)(3); and
40 CFR 63, §63.1209(a)(1)(ii)	(D) Compliance is based on a six-minute block average.
40 CFR 63, §63.1209(a)(1)(iii)	(iii) You must install, calibrate, maintain, and operate a particulate matter CEMS to demonstrate and monitor compliance with the particulate matter standards under this subpart. However, compliance with the requirements in this section to install, calibrate, maintain and operate the PM CEMS is not required until such time that the Agency promulgates all performance specifications and operational requirements applicable to PM CEMS.
40 CFR 63, §63.1209(a)(1)(iv)	(iv) If you operate a cement kiln subject to the provisions of this subpart and use a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks, you may, in lieu of installing the COMS required by paragraph (a)(1)(ii) of this section, comply with the opacity standard in accordance with the procedures of Method 9 to part 60 of this chapter:
40 CFR 63, §63.1209(a)(1)(iv)	(A) You must conduct the Method 9 test while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day;
40 CFR 63, §63.1209(a)(1)(iv)	(B) The duration of the Method 9 test shall be at least 30 minutes each day;
40 CFR 63, §63.1209(a)(1)(iv)	(C) You must use the Method 9 procedures to monitor and record the average opacity for each six-minute block period during the test; and
40 CFR 63, §63.1209(a)(1)(iv)	(D) To remain in compliance, all six-minute block averages must not exceed the opacity standard.

40 CFR 63, §63.1209(a)(1)(v)	(v) If you operate a cement kiln subject to the provisions of this subpart and use a particulate matter control device that exhausts through a monovent, or if the use of a COMS in accordance with the installation specification of Performance Specification 1 (PS-1) of appendix B to part 60 of this chapter is not feasible, you may, in lieu of installing the COMS required by paragraph (a)(1)(ii) of this section, comply with the opacity standard in accordance with the procedures of Method 9 to part 60 of this chapter:
40 CFR 63, §63.1209(a)(1)(v)	(A) You must conduct the Method 9 test while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day;
40 CFR 63, §63.1209(a)(1)(v)	(B) The duration of the Method 9 test shall be at least 30 minutes each day;
40 CFR 63, §63.1209(a)(1)(v)	(C) You must use the Method 9 procedures to monitor and record the average opacity for each six-minute block period during the test; and
40 CFR 63, §63.1209(a)(1)(v)	(D) To remain in compliance, all six-minute block averages must not exceed the opacity standard.
40 CFR 63, §63.1209(a)(2)	(2) *Performance specifications.* You must install, calibrate, maintain, and continuously operate the CEMS and COMS in compliance with the quality assurance procedures provided in the appendix to this subpart and Performance Specifications 1 (opacity), 4B (carbon monoxide and oxygen), and 8A (hydrocarbons) in appendix B, part 60 of this chapter.
40 CFR 63, §63.1209(a)(3)(i)	(3) *Carbon monoxide readings exceeding the span.* (i) Except as provided by paragraph (a)(3)(ii) of this section, if a carbon monoxide CEMS detects a response that results in a one-minute average at or above the 3,000 ppmv span level required by Performance Specification 4B in appendix B, part 60 of this chapter, the one-minute average must be recorded as 10,000 ppmv. The one-minute 10,000 ppmv value must be used for calculating the hourly rolling average carbon monoxide level.
40 CFR 63, §63.1209(a)(3)(ii)	(ii) Carbon monoxide CEMS that use a span value of 10,000 ppmv when one-minute carbon monoxide levels are equal to or exceed 3,000 ppmv are not subject to paragraph (a)(3)(i) of this section. Carbon monoxide CEMS that use a span value of 10,000 are subject to the same CEMS performance and equipment specifications when operating in the range of 3,000 ppmv to 10,000 ppmv that are provided by Performance Specification 4B for other carbon monoxide CEMS, except:
40 CFR 63, §63.1209(a)(3)(ii)	(A) Calibration drift must be less than 300 ppmv; and
40 CFR 63, §63.1209(a)(3)(ii)	(B) Calibration error must be less than 500 ppmv.

40 CFR 63, §63.1209(a)(4)(i)	(4) *Hydrocarbon readings exceeding the span.* (i) Except as provided by paragraph (a)(4)(ii) of this section, if a hydrocarbon CEMS detects a response that results in a one-minute average at or above the 100 ppmv span level required by Performance Specification 8A in appendix B, part 60 of this chapter, the one-minute average must be recorded as 500 ppmv. The one-minute 500 ppmv value must be used for calculating the hourly rolling average HC level.
40 CFR 63, §63.1209(a)(4)(ii)	(ii) Hydrocarbon CEMS that use a span value of 500 ppmv when one-minute hydrocarbon levels are equal to or exceed 100 ppmv are not subject to paragraph (a)(4)(i) of this section. Hydrocarbon CEMS that use a span value of 500 ppmv are subject to the same CEMS performance and equipment specifications when operating in the range of 100 ppmv to 500 ppmv that are provided by Performance Specification 8A for other hydrocarbon CEMS, except:
40 CFR 63, §63.1209(a)(4)(ii)	(A) The zero and high-level calibration gas must have a hydrocarbon level of between 0 and 100 ppmv, and between 250 and 450 ppmv, respectively;
40 CFR 63, §63.1209(a)(4)(ii)	(B) The strip chart recorder, computer, or digital recorder must be capable of recording all readings within the CEM measurement range and must have a resolution of 2.5 ppmv;
40 CFR 63, §63.1209(a)(4)(ii)	(C) The CEMS calibration must not differ by more than ±15 ppmv after each 24-hour period of the seven day test at both zero and high levels;
40 CFR 63, §63.1209(a)(4)(ii)	(D) The calibration error must be no greater than 25 ppmv; and
40 CFR 63, §63.1209(a)(4)(ii)	(E) The zero level, mid-level, and high level calibration gas used to determine calibration error must have a hydrocarbon level of 0-200 ppmv, 150-200 ppmv, and 350-400 ppmv, respectively.
40 CFR 63, §63.1209(a)(5)	(5) Petitions to use CEMS for other standards. You may petition the Administrator to use CEMS for compliance monitoring for particulate matter, mercury, semivolatile metals, low volatile metals, and hydrogen chloride and chlorine gas under §63.8(f) in lieu of compliance with the corresponding operating parameter limits under this section.
40 CFR 63, §63.1209(a)(6)(i)	(6) *Calculation of rolling averages*-(i) *Calculation of rolling averages initially.* The carbon monoxide or hydrocarbon CEMS must begin recording one-minute average values by 12:01 a.m. and hourly rolling average values by 1:01 a.m., when 60 one-minute values will be available for calculating the initial hourly rolling average for those sources that come into compliance on the regulatory compliance date. Sources that elect to come into compliance before the regulatory compliance date must begin recording one-minute and hourly rolling average values within 60 seconds and 60 minutes (when 60 one-minute values will be available for calculating the initial hourly rolling average), respectively, from the time at which compliance begins.
40 CFR 63, §63.1209(a)(6)(ii)	(ii) *Calculation of rolling averages upon intermittent operations.* You must ignore periods of time when one-minute values are not available for calculating the hourly rolling average. When one-minute values become available again, the first one-minute value is added to the previous 59 values to calculate the hourly rolling average.

40 CFR 63, §63.1209(a)(6)(iii)	(iii) *Calculation of rolling averages when the hazardous waste feed is cutoff.* (A) Except as provided by paragraph (a)(6)(iii)(B) of this section, you must continue monitoring carbon monoxide and hydrocarbons when the hazardous waste feed is cutoff if the source is operating. You must not resume feeding hazardous waste if the emission levels exceed the standard.
40 CFR 63, §63.1209(a)(6)(iii)	(B) You are not subject to the CEMS requirements of this subpart during periods of time you meet the requirements of §63.1206(b)(1)(ii) (compliance with emissions standards for nonhazardous waste burning sources when you are not burning hazardous waste).
40 CFR 63, §63.1209(a)(7)	(7) *Operating parameter limits for hydrocarbons.* If you elect to comply with the carbon monoxide and hydrocarbon emission standard by continuously monitoring carbon monoxide with a CEMS, you must demonstrate that hydrocarbon emissions during the comprehensive performance test do not exceed the hydrocarbon emissions standard. In addition, the limits you establish on the destruction and removal efficiency (DRE) operating parameters required under paragraph (j) of this section also ensure that you maintain compliance with the hydrocarbon emission standard. If you do not conduct the hydrocarbon demonstration and DRE tests concurrently, you must establish separate operating parameter limits under paragraph (j) of this section based on each test and the more restrictive of the operating parameter limits applies.
40 CFR 63, §63.1209(b)(1)	(b) *Other continuous monitoring systems (CMS).* (1) You must use CMS (e.g., thermocouples, pressure transducers, flow meters) to document compliance with the applicable operating parameter limits under this section.
40 CFR 63, §63.1209(b)(2)	(2) Except as specified in paragraphs (b)(2)(i) and (ii) of this section, you must install and operate continuous monitoring systems other than CEMS in conformance with §63.8(c)(3) that requires you, at a minimum, to comply with the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system:
40 CFR 63, §63.1209(b)(2)(i)	(i) *Calibration of thermocouples and pyrometers.* The calibration of thermocouples must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequent than once per year. You must operate and maintain optical pyrometers in accordance with manufacturer specifications unless otherwise approved by the Administrator. You must calibrate optical pyrometers in accordance with the frequency and procedures recommended by the manufacturer, but no less frequent than once per year, unless otherwise approved by the Administrator. And,
40 CFR 63, §63.1209(b)(2)(ii)	(ii) *Accuracy and calibration of weight measurement devices for activated carbon injection systems.* If you operate a carbon injection system, the accuracy of the weight measurement device must be ± 1 percent of the weight being measured. The calibration of the device must be verified at least once each calendar quarter at a frequency of approximately 120 days.
40 CFR 63, §63.1209(b)(3)	(3) CMS must sample the regulated parameter without interruption, and evaluate the detector response at least once each 15 seconds, and compute and record the average values at least every 60 seconds.

40 CFR 63, §63.1209(b)(4)	(4) The span of the non-CEMS CMS detector must not be exceeded. You must interlock the span limits into the automatic waste feed cutoff system required by §63.1206(c)(3).
40 CFR 63, §63.1209(b)(5)(i)	(5) *Calculation of rolling averages*-(i) *Calculation of rolling averages initially.* Continuous monitoring systems must begin recording one-minute average values by 12:01 a.m., hourly rolling average values by 1:01 a.m.(e.g., when 60 one-minute values will be available for calculating the initial hourly rolling average), and twelve-hour rolling averages by 12:01 p.m.(e.g., when 720 one-minute averages are available to calculate a 12-hour rolling average), for those sources that come into compliance on the regulatory compliance date. Sources that elect to come into compliance before the regulatory compliance date must begin recording one-minute, hourly rolling average, and 12-hour rolling average values within 60 seconds, 60 minutes (when 60 one-minute values will be available for calculating the initial hourly rolling average), and 720 minutes (when 720 one-minute values will be available for calculating the initial 12-hour hourly rolling average) respectively, from the time at which compliance begins.
40 CFR 63, §63.1209(b)(5)(ii)	(ii) *Calculation of rolling averages upon intermittent operations.* You must ignore periods of time when one-minute values are not available for calculating rolling averages. When one-minute values become available again, the first one-minute value is added to the previous one-minute values to calculate rolling averages.
40 CFR 63, §63.1209(b)(5)(iii)	(iii) *Calculation of rolling averages when the hazardous waste feed is cutoff.* (A) Except as provided by paragraph (b)(5)(iii)(B) of this section, you must continue monitoring operating parameter limits with a CMS when the hazardous waste feed is cutoff if the source is operating. You must not resume feeding hazardous waste if an operating parameter exceeds its limit.
40 CFR 63, §63.1209(b)(5)(iii)	(B) You are not subject to the CMS requirements of this subpart during periods of time you meet the requirements of §63.1206(b)(1)(ii) (compliance with emissions standards for nonhazardous waste burning sources when you are not burning hazardous waste).
40 CFR 63, §63.1209(c)(1)	(c) *Analysis of feedstreams*-(1) *General.* Prior to feeding the material, you must obtain an analysis of each feedstream that is sufficient to document compliance with the applicable feedrate limits provided by this section.
40 CFR 63, §63.1209(c)(2)	(2) *Feedstream analysis plan.* You must develop and implement a feedstream analysis plan and record it in the operating record. The plan must specify at a minimum:
40 CFR 63, §63.1209(c)(2)(i)	(i) The parameters for which you will analyze each feedstream to ensure compliance with the operating parameter limits of this section;
40 CFR 63, §63.1209(c)(2)(ii)	(ii) Whether you will obtain the analysis by performing sampling and analysis or by other methods, such as using analytical information obtained from others or using other published or documented data or information;
40 CFR 63, §63.1209(c)(2)(iii)	(iii) How you will use the analysis to document compliance with applicable feedrate limits (*e.g.*, if you blend hazardous wastes and obtain analyses of the wastes prior to blending but not of the blended, as-fired, waste, the plan must describe how you will determine the pertinent parameters of the blended waste);
40 CFR 63, §63.1209(c)(2)(iv)	(iv) The test methods which you will use to obtain the analyses;

40 CFR 63, §63.1209(c)(2)(v)	(v) The sampling method which you will use to obtain a representative sample of each feedstream to be analyzed using sampling methods described in appendix IX, part 266 of this chapter, or an equivalent method; and
40 CFR 63, §63.1209(c)(2)(vi)	(vi) The frequency with which you will review or repeat the initial analysis of the feedstream to ensure that the analysis is accurate and up to date.
40 CFR 63, §63.1209(c)(3)	(3) *Review and approval of analysis plan.* You must submit the feedstream analysis plan to the Administrator for review and approval, if requested.
40 CFR 63, §63.1209(c)(4)	(4) *Compliance with feedrate limits.* To comply with the applicable feedrate limits of this section, you must monitor and record feedrates as follows:
40 CFR 63, §63.1209(c)(4)(i)	(i) Determine and record the value of the parameter for each feedstream by sampling and analysis or other method;
40 CFR 63, §63.1209(c)(4)(ii)	(ii) Determine and record the mass or volume flowrate of each feedstream by a CMS. If you determine flowrate of a feedstream by volume, you must determine and record the density of the feedstream by sampling and analysis (unless you report the constituent concentration in units of weight per unit volume (e.g., mg/l)); and
40 CFR 63, §63.1209(c)(4)(iii)	(iii) Calculate and record the mass feedrate of the parameter per unit time.
40 CFR 63, §63.1209(c)(5)	(5) *Waiver of monitoring of constituents in certain feedstreams.* You are not required to monitor levels of metals or chlorine in the following feedstreams to document compliance with the feedrate limits under this section provided that you document in the comprehensive performance test plan the expected levels of the constituent in the feedstream and account for those assumed feedrate levels in documenting compliance with feedrate limits: natural gas, process air, and feedstreams from vapor recovery systems.
40 CFR 63, §63.1209(d)(1)	(d) *Performance evaluations.* (1) The requirements of §§63.8(d) (Quality control program) and (e) (Performance evaluation of continuous monitoring systems) apply, except that you must conduct performance evaluations of components of the CMS under the frequency and procedures (for example, submittal of performance evaluation test plan for review and approval) applicable to performance tests as provided by §63.1207.
40 CFR 63, §63.1209(d)(2)	(2) You must comply with the quality assurance procedures for CEMS prescribed in the appendix to this subpart.
40 CFR 63, §63.1209(e)	(e) Conduct of monitoring. The provisions of §63.8(b) apply.
40 CFR 63, §63.1209(f)	(f) Operation and maintenance of continuous monitoring systems. The provisions of §63.8(c) apply except:
40 CFR 63, §63.1209(f)(1)	(1) Section 63.8(c)(3). The requirements of §63.1211(c), that requires CMSs to be installed, calibrated, and operational on the compliance date, shall be complied with instead of section 63.8(c)(3);

40 CFR 63, §63.1209(f)(2)	(2) *Section 63.8(c)(4)(ii).* The performance specifications for carbon monoxide, hydrocarbon, and oxygen CEMSs in subpart B, part 60 of this chapter that requires detectors to measure the sample concentration at least once every 15 seconds for calculating an average emission rate once every 60 seconds shall be complied with instead of section 63.8(c)(4)(ii); and
40 CFR 63, §63.1209(f)(3)	(3) Sections 63.8(c)(4)(i), (c)(5), and (c)(7)(i)(C) pertaining to COMS apply only to owners and operators of hazardous waste burning cement kilns.
40 CFR 63, §63.1209(h)	(h) Reduction of monitoring data. The provisions of §63.8(g) apply.
40 CFR 63, §63.1209(i)	(i) *When an operating parameter is applicable to multiple standards.* Paragraphs (j) through (p) of this section require you to establish limits on operating parameters based on comprehensive performance testing to ensure you maintain compliance with the emission standards of this subpart. For several parameters, you must establish a limit for the parameter to ensure compliance with more than one emission standard. An example is a limit on minimum combustion chamber temperature to ensure compliance with both the DRE standard of paragraph (j) of this section and the dioxin/furan standard of paragraph (k) of this section. If the performance tests for such standards are not performed simultaneously, the most stringent limit for a parameter derived from independent performance tests applies.
40 CFR 63, §63.1209(j)	(j) DRE. To remain in compliance with the destruction and removal efficiency (DRE) standard, you must establish operating limits during the comprehensive performance test (or during a previous DRE test under provisions of §63.1206(b)(7)) for the following parameters, unless the limits are based on manufacturer specifications, and comply with those limits at all times that hazardous waste remains in the combustion chamber (i.e., the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated):
40 CFR 63, §63.1209(j)(1)(i)	(1) Minimum combustion chamber temperature. (i) You must measure the temperature of each combustion chamber at a location that best represents, as practicable, the bulk gas temperature in the combustion zone. You must document the temperature measurement location in the test plan you submit under §63.1207(e);
40 CFR 63, §63.1209(j)(1)(ii)	(ii) You must establish a minimum hourly rolling average limit as the average of the test run averages;
40 CFR 63, §63.1209(j)(2)(i)	(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.
40 CFR 63, §63.1209(j)(2)(ii)	(ii) You must comply with this limit on a hourly rolling average basis;
40 CFR 63, §63.1209(j)(3)(i)	(3) *Maximum hazardous waste feedrate.* (i) You must establish limits on the maximum pumpable and total (i.e., pumpable and nonpumpable) hazardous waste feedrate for each location where hazardous waste is fed.

40 CFR 63, §63.1209(j)(3)(ii)	(ii) You must establish the limits as the average of the maximum hourly rolling averages for each run.
40 CFR 63, §63.1209(j)(3)(iii)	(iii) You must comply with the feedrate limit(s) on a hourly rolling average basis;
40 CFR 63, §63.1209(j)(4)	(4) *Operation of waste firing system.* You must specify operating parameters and limits to ensure that good operation of each hazardous waste firing system is maintained.
40 CFR 63, §63.1209(k)	(k) *Dioxins and furans.* You must comply with the dioxin and furans emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.
40 CFR 63, §63.1209(k)(1)(i)	(1) *Gas temperature at the inlet to a dry particulate matter control device.* (i) For sources other than a lightweight aggregate kiln, if the combustor is equipped with an electrostatic precipitator, baghouse (fabric filter), or other dry emissions control device where particulate matter is suspended in contact with combustion gas, you must establish a limit on the maximum temperature of the gas at the inlet to the device on an hourly rolling average. You must establish the hourly rolling average limit as the average of the test run averages.
40 CFR 63, §63.1209(k)(3)(i)	(3) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish and comply with a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.
40 CFR 63, §63.1209(k)(3)(ii)	(ii) You must comply with this limit on a hourly rolling average basis;
40 CFR 63, §63.1209(k)(4)(i)	(4) *Maximum hazardous waste feedrate.* (i) You must establish limits on the maximum pumpable and total (pumpable and nonpumpable) hazardous waste feedrate for each location where waste is fed.
40 CFR 63, §63.1209(k)(4)(ii)	(ii) You must establish the limits as the average of the maximum hourly rolling averages for each run.
40 CFR 63, §63.1209(k)(4)(iii)	(iii) You must comply with the feedrate limit(s) on a hourly rolling average basis;
40 CFR 63, §63.1209(l)	(l) *Mercury.* You must comply with the mercury emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.
40 CFR 63, §63.1209(l)(1)	(1) *Feedrate of mercury.*
40 CFR 63, §63.1209(l)(1)(iii)	(iii) For cement kilns:

40 CFR 63, §63.1209(l)(1)(iii)	(A) When complying with the emission standards under §§63.1220(a)(2)(i) and (b)(2)(i), you must:
40 CFR 63, §63.1209(l)(1)(iii)	(*1*) Comply with the mercury hazardous waste feed concentration operating requirement on a twelve-hour rolling average;
40 CFR 63, §63.1209(l)(1)(iii)	(*2*) Monitor and record in the operating record the as-fired mercury concentration in the hazardous waste (or the weighted-average mercury concentration for multiple hazardous waste feedstreams);
40 CFR 63, §63.1209(l)(1)(iii)	(*3*) Initiate an automatic waste feed cutoff that immediately and automatically cuts off the hazardous waste feed when the as-fired mercury concentration operating requirement is exceeded;
40 CFR 63, §63.1209(l)(1)(iii)	(B) When complying with the emission standards under §§63.1204, 63.1220(a)(2)(ii) and (b)(2)(ii), you must establish a 12-hour rolling average limit for the total feedrate of mercury in all feedstreams as the average of the test run averages;
40 CFR 63, §63.1209(l)(1)(iii)	(C) Except as provided by paragraph (l)(1)(iii)(D) of this section, when complying with the hazardous waste feedrate corresponding to a maximum theoretical emission concentration (MTEC) under §§63.1220(a)(2)(iii) and (b)(2)(iii), you must:
40 CFR 63, §63.1209(l)(1)(iii)	(*1*) Comply with the MTEC operating requirement on a twelve-hour rolling average;
40 CFR 63, §63.1209(l)(1)(iii)	(2) Monitor and record the feedrate of mercury for each hazardous waste feedstream according to §63.1209(c);
40 CFR 63, §63.1209(l)(1)(iii)	(*3*) Monitor with a CMS and record in the operating record the gas flowrate (either directly or by monitoring a surrogate parameter that you have correlated to gas flowrate);
40 CFR 63, §63.1209(l)(1)(iii)	(*4*) Continuously calculate and record in the operating record a MTEC assuming mercury from all hazardous waste feedstreams is emitted;
40 CFR 63, §63.1209(l)(1)(iii)	(5) Initiate an automatic waste feed cutoff that immediately and automatically cuts off the hazardous waste feed when the MTEC operating requirement is exceeded;
40 CFR 63, §63.1209(l)(1)(iii)	(D) In lieu of complying with paragraph (l)(1)(iii)(C) of this section, you may:
40 CFR 63, §63.1209(l)(1)(iii)	(1) Identify in the Notification of Compliance a minimum gas flowrate limit and a maximum feedrate limit of mercury from all hazardous waste feedstreams that ensures the MTEC calculated in paragraph (l)(1)(iii)(B)(4) of this section is below the operating requirement under paragraphs §§63.1220(a)(2)(iii) and (b)(2)(iii); and
40 CFR 63, §63.1209(l)(1)(iii)	(*2*) Initiate an automatic waste feed cutoff that immediately and automatically cuts off the hazardous waste feed when either the gas flowrate or mercury feedrate exceeds the limits identified in paragraph (l)(1)(iv)(D)(*1*) of this section.

40 CFR 63, §63.1209(l)(1)(v)	(v) *Extrapolation of feedrate levels.* In lieu of establishing mercury feedrate limits as specified in paragraphs (l)(1)(i) through (iv) of this section, you may request as part of the performance test plan under §§63.7(b) and (c) and §§63.1207 (e) and (f) to use the mercury feedrates and associated emission rates during the comprehensive performance test to extrapolate to higher allowable feedrate limits and emission rates. The extrapolation methodology will be reviewed and approved, as warranted, by the Administrator. The review will consider in particular whether:
40 CFR 63, §63.1209(l)(1)(v)	(A) Performance test metal feedrates are appropriate (*i.e.*, whether feedrates are at least at normal levels; depending on the heterogeneity of the waste, whether some level of spiking would be appropriate; and whether the physical form and species of spiked material is appropriate); and
40 CFR 63, §63.1209(l)(1)(v)	(B) Whether the extrapolated feedrates you request are warranted considering historical metal feedrate data.
40 CFR 63, §63.1209(m)	(m) *Particulate matter.* You must comply with the particulate matter emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.
40 CFR 63, §63.1209(m)(1)	(1) *Control device operating parameter limits (OPLs).*
40 CFR 63, §63.1209(m)(2)(i)	(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.
40 CFR 63, §63.1209(m)(2)(ii)	(ii) You must comply with this limit on a hourly rolling average basis;
40 CFR 63, §63.1209(n)	(n) *Semivolatile metals and low volatility metals.* You must comply with the semivolatile metal (cadmium and lead) and low volatile metal (arsenic, beryllium, and chromium) emission standards by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.
40 CFR 63, §63.1209(n)(1)	(1) *Maximum inlet temperature to dry particulate matter air pollution control device.* You must establish a limit on the maximum inlet temperature to the primary dry metals emissions control device (*e.g.*, electrostatic precipitator, baghouse) on an hourly rolling average basis as the average of the test run averages.
40 CFR 63, §63.1209(n)(2)(i)	(2) *Maximum feedrate of semivolatile and low volatile metals.* (i) *General.* You must establish feedrate limits for semivolatile metals (cadmium and lead) and low volatile metals (arsenic, beryllium, and chromium) as follows, except as provided by paragraph (n)(2)(vii) of this section.

40 CFR 63, §63.1209(n)(2)(ii)	(ii) For incinerators, cement kilns, and lightweight aggregate kilns, when complying with the emission standards under §§63.1203, 63.1204, 63.1205, and 63.1219, and for solid fuel boilers when complying with the emission standards under §63.1216, you must establish 12-hour rolling average limits for the total feedrate of semivolatile and low volatile metals in all feedstreams as the average of the test run averages.
40 CFR 63, §63.1209(n)(2)(iii)	(iii) *Cement kilns under §63.1220*-(A) When complying with the emission standards under §§63.1220(a)(3)(i), (a)(4)(i), (b)(3)(i), and (b)(4)(i), you must establish 12-hour rolling average feedrate limits for semivolatile and low volatile metals as the thermal concentration of semivolatile metals or low volatile metals in all hazardous waste feedstreams. You must calculate hazardous waste thermal concentrations for semivolatile metals and low volatile metals for each run as the total mass feedrate of semivolatile metals or low volatile metals for all hazardous waste feedstreams divided by the total heat input rate for all hazardous waste feedstreams. The 12-hour rolling average feedrate limits for semivolatile metals and low volatile metals are the average of the hazardous waste thermal concentrations for the runs.
40 CFR 63, §63.1209(n)(2)(iii)	(B) When complying with the emission standards under §§63.1220(a)(3)(ii), (a)(4)(ii), (b)(3)(ii), and (b)(4)(ii), you must establish 12-hour rolling average limits for the total feedrate of semivolatile and low volatile metals in all feedstreams as the average of the test run averages.
40 CFR 63, §63.1209(o)	(o) *Hydrogen chloride and chlorine gas.* You must comply with the hydrogen chloride and chlorine gas emission standard by establishing and complying with the following operating parameter limits. You must base the limits on operations during the comprehensive performance test, unless the limits are based on manufacturer specifications.
40 CFR 63, §63.1209(o)(1)(i)	(1) *Feedrate of total chlorine and chloride.* (i) *Incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, and hydrochloric acid production furnaces.* You must establish a 12-hour rolling average limit for the total feedrate of chlorine (organic and inorganic) in all feedstreams as the average of the test run averages.
40 CFR 63, §63.1209(o)(2)(i)	(2) *Maximum flue gas flowrate or production rate.* (i) As an indicator of gas residence time in the control device, you must establish a limit on the maximum flue gas flowrate, the maximum production rate, or another parameter that you document in the site-specific test plan as an appropriate surrogate for gas residence time, as the average of the maximum hourly rolling averages for each run.
40 CFR 63, §63.1209(o)(2)(ii)	(ii) You must comply with this limit on a hourly rolling average basis;
40 CFR 63, §63.1209(p)	(p) Maximum combustion chamber pressure. If you comply with the requirements for combustion system leaks under §63.1206(c)(5) by maintaining the maximum combustion chamber zone pressure lower than ambient pressure to prevent combustion systems leaks from hazardous waste combustion, you must perform instantaneous monitoring of pressure and the automatic waste feed cutoff system must be engaged when negative pressure is not adequately maintained.

40 CFR 63, §63.1209(q)	(q) *Operating under different modes of operation.* If you operate under different modes of operation, you must establish operating parameter limits for each mode. You must document in the operating record when you change a mode of operation and begin complying with the operating limits for an alternative mode of operation.
40 CFR 63, §63.1209(q)(1)	(1) Operating under otherwise applicable standards after the hazardous waste residence time has transpired. As provided by §63.1206(b)(1)(ii), you may operate under otherwise applicable requirements promulgated under sections 112 and 129 of the Clean Air Act in lieu of the substantive requirements of this subpart.
40 CFR 63, §63.1209(q)(1)(i)	(i) The otherwise applicable requirements promulgated under sections 112 and 129 of the Clean Air Act are applicable requirements under this subpart.
40 CFR 63, §63.1209(q)(1)(ii)	(ii) You must specify (e.g., by reference) the otherwise applicable requirements as a mode of operation in your Documentation of Compliance under §63.1211(c), your Notification of Compliance under §63.1207(j), and your title V permit application. These requirements include the otherwise applicable requirements governing emission standards, monitoring and compliance, and notification, reporting, and recordkeeping.
40 CFR 63, §63.1209(q)(2)	(2) *Calculating rolling averages under different modes of operation.* When you transition to a different mode of operation, you must calculate rolling averages as follows:
40 CFR 63, §63.1209(q)(2)(i)	(i) *Retrieval approach.* Calculate rolling averages anew using the continuous monitoring system values previously recorded for that mode of operation (i.e., you ignore continuous monitoring system values subsequently recorded under other modes of operation when you transition back to a mode of operation); or
40 CFR 63, §63.1209(q)(2)(ii)	(ii) *Start anew.* Calculate rolling averages anew without considering previous recordings.
40 CFR 63, §63.1209(q)(2)(ii)	(A) Rolling averages must be calculated as the average of the available one-minute values for the parameter until enough one-minute values are available to calculate hourly or 12-hour rolling averages, whichever is applicable to the parameter.
40 CFR 63, §63.1209(q)(2)(ii)	(B) You may not transition to a new mode of operation using this approach if the most recent operation in that mode resulted in an exceedance of an applicable emission standard measured with a CEMS or operating parameter limit prior to the hazardous waste residence time expiring; or
40 CFR 63, §63.1209(q)(2)(iii)	(iii) *Seamless transition.* Continue calculating rolling averages using data from the previous operating mode provided that both the operating limit and the averaging period for the parameter are the same for both modes of operation.
40 CFR 63, §63.1209(r)	(r) *Averaging periods.* The averaging periods specified in this section for operating parameters are not-to-exceed averaging periods. You may elect to use shorter averaging periods. For example, you may elect to use a 1-hour rolling average rather than the 12-hour rolling average specified in paragraph (l)(1)(i) of this section for mercury.

40 CFR 63, §63.1210(b)	(b) *Notification of intent to comply (NIC).* These procedures apply to sources that have not previously complied with the requirements of paragraph (b) of this section, and to sources that previously complied with the NIC requirements of §63.1210, which were in effect prior to October 11, 2000, that must make a technology change requiring a Class 1 permit modification to meet the standards of §§63.1219, 63.1220, and 63.1221.
40 CFR 63, §63.1210(b)(1)	(1) You must prepare a Notification of Intent to Comply that includes all of the following information:
40 CFR 63, §63.1210(b)(1)(i)	(i) General information:
40 CFR 63, §63.1210(b)(1)(i)	(A) The name and address of the owner/operator and the source;
40 CFR 63, §63.1210(b)(1)(i)	(B) Whether the source is a major or an area source;
40 CFR 63, §63.1210(b)(1)(i)	(C) Waste minimization and emission control technique(s) being considered;
40 CFR 63, §63.1210(b)(1)(i)	(D) Emission monitoring technique(s) you are considering;
40 CFR 63, §63.1210(b)(1)(i)	(E) Waste minimization and emission control technique(s) effectiveness;
40 CFR 63, §63.1210(b)(1)(i)	(F) A description of the evaluation criteria used or to be used to select waste minimization and/or emission control technique(s); and
40 CFR 63, §63.1210(b)(1)(i)	(G) A general description of how you intend to comply with the emission standards of this subpart.
40 CFR 63, §63.1210(b)(1)(ii)	(ii) As applicable to each source, information on key activities and estimated dates for these activities that will bring the source into compliance with emission control requirements of this subpart. You must include all of the following key activities and dates in your NIC:
40 CFR 63, §63.1210(b)(1)(ii)	(A) The dates by which you anticipate you will develop engineering designs for emission control systems or process changes for emissions;
40 CFR 63, §63.1210(b)(1)(ii)	(B) The date by which you anticipate you will commit internal or external resources for installing emission control systems or making process changes for emission control, or the date by which you will issue orders for the purchase of component parts to accomplish emission control or process changes.
40 CFR 63, §63.1210(b)(1)(ii)	(C) The date by which you anticipate you will submit construction applications;
40 CFR 63, §63.1210(b)(1)(ii)	(D) The date by which you anticipate you will initiate on-site construction, installation of emission control equipment, or process change;

40 CFR 63, §63.1210(b)(1)(ii)	(E) The date by which you anticipate you will complete on-site construction, installation of emission control equipment, or process change; and
40 CFR 63, §63.1210(b)(1)(ii)	(F) The date by which you anticipate you will achieve final compliance. The individual dates and milestones listed in paragraphs (b)(1)(ii)(A) through (F) of this section as part of the NIC are not requirements and therefore are not enforceable deadlines; the requirements of paragraphs (b)(1)(ii)(A) through (F) of this section must be included as part of the NIC only to inform the public of how you intend to comply with the emission standards of this subpart.
40 CFR 63, §63.1210(b)(1)(iii)	(iii) A summary of the public meeting required under paragraph (c) of this section;
40 CFR 63, §63.1210(b)(1)(iv)	(iv) If you intend to cease burning hazardous waste prior to or on the compliance date, the requirements of paragraphs (b)(1)(ii) and (b)(1)(iii) of this section do not apply. You must include in your NIC a schedule of key dates for the steps to be taken to stop hazardous waste activity at your combustion unit. Key dates include the date for submittal of RCRA closure documents required under subpart G, part 264 or subpart G, part 265 of this chapter.
40 CFR 63, §63.1210(b)(2)	(2) You must make a draft of the NIC available for public review no later than 30 days prior to the public meeting required under paragraph (c)(1) of this section or no later than 9 months after the effective date of the rule if you intend to cease burning hazardous waste prior to or on the compliance date.
40 CFR 63, §63.1210(b)(3)	(3) You must submit the final NIC to the Administrator no later than one year following the effective date of the emission standards of this subpart.
40 CFR 63, §63.1210(c)(1)	(c) *NIC public meeting and notice.* (1) Prior to the submission of the NIC to the permitting agency, and no later than 10 months after the effective date of the emission standards of this subpart, you must hold at least one informal meeting with the public to discuss anticipated activities described in the draft NIC for achieving compliance with the emission standards of this subpart. You must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses;
40 CFR 63, §63.1210(c)(2)	(2) You must submit a summary of the meeting, along with the list of attendees and their addresses developed under paragraph (b)(1) of this section, and copies of any written comments or materials submitted at the meeting, to the Administrator as part of the final NIC, in accordance with paragraph (b)(1)(iii) of this section;
40 CFR 63, §63.1210(c)(3)	(3) You must provide public notice of the NIC meeting at least 30 days prior to the meeting and you must maintain, and provide to the Administrator upon request, documentation of the notice. You must provide public notice in all of the following forms:
40 CFR 63, §63.1210(c)(3)(i)	(i) *Newspaper advertisement.* You must publish a notice in a newspaper of general circulation in the county or equivalent jurisdiction of your facility. In addition, you must publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdiction where such publication would be necessary to inform the affected public. You must publish the notice as a display advertisement.

40 CFR 63, §63.1210(c)(3)(ii)	(ii) *Visible and accessible sign.* You must post a notice on a clearly marked sign at or near the source. If you place the sign on the site of the hazardous waste combustor, the sign must be large enough to be readable from the nearest spot where the public would pass by the site.
40 CFR 63, §63.1210(c)(3)(iii)	(iii) *Broadcast media announcement.* You must broadcast a notice at least once on at least one local radio station or television station.
40 CFR 63, §63.1210(c)(3)(iv)	(iv) Notice to the facility mailing list. You must provide a copy of the notice to the facility mailing list in accordance with §124.10(c)(1)(ix) of this chapter.
40 CFR 63, §63.1210(c)(4)	(4) You must include all of the following in the notices required under paragraph (c)(3) of this section:
40 CFR 63, §63.1210(c)(4)(i)	(i) The date, time, and location of the meeting;
40 CFR 63, §63.1210(c)(4)(i)	(ii) A brief description of the purpose of the meeting;
40 CFR 63, §63.1210(c)(4)(i)	(iii) A brief description of the source and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the source location;
40 CFR 63, §63.1210(c)(4)(iv)	(iv) A statement encouraging people to contact the source at least 72 hours before the meeting if they need special access to participate in the meeting;
40 CFR 63, §63.1210(c)(4)(v)	(v) A statement describing how the draft NIC (and final NIC, if requested) can be obtained; and
40 CFR 63, §63.1210(c)(4)(vi)	(vi) The name, address, and telephone number of a contact person for the NIC.
40 CFR 63, §63.1210(c)(5)	(5) The requirements of this paragraph do not apply to sources that intend to cease burning hazardous waste prior to or on the compliance date.
40 CFR 63, §63.1210(d)(1)	(d) Notification of compliance. (1) The Notification of Compliance status requirements of §63.9(h) apply, except that:
40 CFR 63, §63.1210(d)(1)(i)	(i) The notification is a Notification of Compliance, rather than compliance status;
40 CFR 63, §63.1210(d)(1)(ii)	(ii) The notification is required for the initial comprehensive performance test and each subsequent comprehensive and confirmatory performance test; and
40 CFR 63, §63.1210(d)(1)(iii)	(iii) You must postmark the notification before the close of business on the 90th day following completion of relevant compliance demonstration activity specified in this subpart rather than the 60th day as required by §63.9(h)(2)(ii).

40 CFR 63, §63.1210(d)(2)	(2) Upon postmark of the Notification of Compliance, the operating parameter limits identified in the Notification of Compliance, as applicable, shall be complied with, the limits identified in the Documentation of Compliance or a previous Notification of Compliance are no longer applicable.
40 CFR 63, §63.1210(d)(3)	(3) The Notification of Compliance requirements of §63.1207(j) also apply.
40 CFR 63, §63.1211(c)(1)	(c) *Documentation of compliance.* (1) By the compliance date, you must develop and include in the operating record a Documentation of Compliance. You are not subject to this requirement, however, if you submit a Notification of Compliance under §63.1207(j) prior to the compliance date. Upon inclusion of the Documentation of Compliance in the operating record, hazardous waste burning incinerators, cement kilns, and lightweight aggregate kilns regulated under the interim standards of §§63.1203, 63.1204, and 63.1205 are no longer subject to compliance with the previously applicable Notification of Compliance.
40 CFR 63, §63.1211(c)(2)	(2) The Documentation of Compliance must identify the applicable emission standards under this subpart and the limits on the operating parameters under §63.1209 that will ensure compliance with those emission standards.
40 CFR 63, §63.1211(c)(3)	(3) You must include a signed and dated certification in the Documentation of Compliance that:
40 CFR 63, §63.1211(c)(3)(i)	(i) Required CEMs and CMS are installed, calibrated, and continuously operating in compliance with the requirements of this subpart; and
40 CFR 63, §63.1211(c)(3)(ii)	(ii) Based on an engineering evaluation prepared under your direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation, and considering at a minimum the design, operation, and maintenance characteristics of the combustor and emissions control equipment, the types, quantities, and characteristics of feedstreams, and available emissions data:
40 CFR 63, §63.1211(c)(3)(ii)	(A) You are in compliance with the emission standards of this subpart; and
40 CFR 63, §63.1211(c)(3)(ii)	(B) The limits on the operating parameters under §63.1209 ensure compliance with the emission standards of this subpart.
40 CFR 63, §63.1211(c)(4)	(4) You must comply with the emission standards and operating parameter limits specified in the Documentation of Compliance.
40 CFR 63, §63.1211(d)	(d) Data compression. You may submit a written request to the Administrator for approval to use data compression techniques to record data from CMS, including CEMS, on a frequency less than that required by §63.1209. You must submit the request for review and approval as part of the comprehensive performance test plan.
40 CFR 63, §63.1211(d)(1)	(1) You must record a data value at least once each ten minutes.

40 CFR 63, §63.1211(d)(2)	(2) For each CEMS or operating parameter for which you request to use data compression techniques, you must recommend:
40 CFR 63, §63.1211(d)(2)(i)	(i) A fluctuation limit that defines the maximum permissible deviation of a new data value from a previously generated value without requiring you to revert to recording each one-minute value.
40 CFR 63, §63.1211(d)(2)(i)	(A) If you exceed a fluctuation limit, you must record each one-minute value for a period of time not less than ten minutes.
40 CFR 63, §63.1211(d)(2)(i)	(B) If neither the fluctuation limit nor the data compression limit are exceeded during that period of time, you may reinitiate recording data values on a frequency of at least once each ten minutes; and
40 CFR 63, §63.1211(d)(2)(ii)	(ii) A data compression limit defined as the closest level to an operating parameter limit or emission standard at which reduced data recording is allowed.
40 CFR 63, §63.1211(d)(2)(ii)	(A) Within this level and the operating parameter limit or emission standard, you must record each one-minute average.
40 CFR 63, §63.1211(d)(2)(ii)	(B) The data compression limit should reflect a level at which you are unlikely to exceed the specific operating parameter limit or emission standard, considering its averaging period, with the addition of a new one-minute average.
40 CFR 63, §63.1212(a)	(a) Certification of intent to comply. The Notice of Intent to Comply (NIC) must contain the following certification signed and dated by a responsible official as defined under §63.2 of this chapter: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.
40 CFR 63, §63.1212(b)	(b) *New units.* Any source that files a RCRA permit application or permit modification request for construction of a hazardous waste combustion unit after October 12, 2005 must:
40 CFR 63, §63.1212(b)(1)	(1) Prepare a draft NIC according to §63.1210(b) and make it available to the public upon issuance of the notice of NIC public meeting per §63.1210(c)(3);
40 CFR 63, §63.1212(b)(2)	(2) Prepare a draft comprehensive performance test plan pursuant to the requirements of §63.1207 and make it available for public review upon issuance of the notice of NIC public meeting;
40 CFR 63, §63.1212(b)(3)	(3) Provide notice to the public of a pre-application meeting pursuant to §124.30 or notice to the public of a permit modification request pursuant to §270.42 and;
40 CFR 63, §63.1212(b)(4)	(4) Hold an informal public meeting 30 days following notice of NIC public meeting and notice of the pre-application meeting or notice of the permit modification request.
40 CFR 63, §63.1212(c)(1)	(c) *Information Repository specific to new combustion units.* (1) Any source that files a RCRA permit application or modification request for construction of a new hazardous waste combustion unit after October 12, 2005 may be required to establish an information repository if deemed appropriate.

40 CFR 63, §63.1212(c)(2)	(2) The Administrator may assess the need, on a case-by-case basis for an information repository. When assessing the need for a repository, the Administrator shall consider the level of public interest, the presence of an existing repository, and any information available via the New Source Review and Title V permit processes. If the Administrator determines a need for a repository, then the Administrator shall notify the facility that it must establish and maintain an information repository.
40 CFR 63, §63.1212(c)(3)	(3) The information repository shall contain all documents, reports, data, and information deemed necessary by the Administrator. The Administrator shall have the discretion to limit the contents of the repository.
40 CFR 63, §63.1212(c)(4)	(4) The information repository shall be located and maintained at a site chosen by the source. If the Administrator finds the site unsuitable for the purposes and persons for which it was established, due to problems with location, hours of availability, access, or other relevant considerations, then the Administrator shall specify a more appropriate site.
40 CFR 63, §63.1212(c)(5)	(5) The Administrator shall require the source to provide a written notice about the information repository to all individuals on the source mailing list.
40 CFR 63, §63.1212(c)(6)	(6) The source shall be responsible for maintaining and updating the repository with appropriate information throughout a period specified by the Administrator. The Administrator may close the repository at his or her discretion based on the considerations in paragraph (c)(2) of this section.
40 CFR 63, §63.1220(b)	(b) *Emission and hazardous waste feed limits for new sources.* You must not discharge or cause combustion gases to be emitted into the atmosphere or feed hazardous waste that contain:
40 CFR 63, §63.1220(b)(1)	(1) For dioxins and furans, either:
40 CFR 63, §63.1220(b)(1)(i)	(i) Emissions in excess of 0.20 ng TEQ/dscm corrected to 7 percent oxygen; or
40 CFR 63, §63.1220(b)(1)(ii)	(ii) Emissions in excess of 0.40 ng TEQ/dscm corrected to 7 percent oxygen provided that the combustion gas temperature at the inlet to the initial dry particulate matter control device is 400 °F or lower based on the average of the test run average temperatures;
40 CFR 63, §63.1220(b)(2)	(2) For mercury, both:
40 CFR 63, §63.1220(b)(2)(i)	(i) An average as-fired concentration of mercury in all hazardous waste feedstreams in excess of 1.9 parts per million by weight; and
40 CFR 63, §63.1220(b)(2)(ii)	(ii) Emissions in excess of 120 µg/dscm, corrected to 7 percent oxygen; or
40 CFR 63, §63.1220(b)(2)(iii)	(iii) A hazardous waste feedrate corresponding to a maximum theoretical emission concentration (MTEC) in excess of 120 µg/dscm;

40 CFR 63, §63.1220(b)(3)	(3) For cadmium and lead, both:
40 CFR 63, §63.1220(b)(3)(i)	(i) Emissions in excess of 6.2 x 10-5 lbs combined emissions of cadmium and lead attributable to the hazardous waste per million Btu heat input from the hazardous waste; and
40 CFR 63, §63.1220(b)(3)(ii)	(ii) Emissions in excess of 180 µg/dscm, combined emissions, corrected to 7 percent oxygen;
40 CFR 63, §63.1220(b)(4)	(4) For arsenic, beryllium, and chromium, both:
40 CFR 63, §63.1220(b)(4)(i)	(i) Emissions in excess of 1.5 x 10-5 lbs combined emissions of arsenic, beryllium, and chromium attributable to the hazardous waste per million Btu heat input from the hazardous waste; and
40 CFR 63, §63.1220(b)(4)(ii)	(ii) Emissions in excess of 54 µg/dscm, combined emissions, corrected to 7 percent oxygen;
40 CFR 63, §63.1220(b)(5)(i)	(5) *Carbon monoxide and hydrocarbons.* (i) For kilns equipped with a by-pass duct or midkiln gas sampling system, carbon monoxide and hydrocarbons emissions are limited in both the bypass duct or midkiln gas sampling system and the main stack as follows:
40 CFR 63, §63.1220(b)(5)(i)	(A) Emissions in the by-pass or midkiln gas sampling system are limited to either:
40 CFR 63, §63.1220(b)(5)(i)	(1) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen. If you elect to comply with this carbon monoxide standard rather than the hydrocarbon standard under paragraph (b)(5)(i)(A)(2) of this section, you also must document that, during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by §63.1206(b)(7), hydrocarbons do not exceed 10 parts per million by volume during those runs, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or
40 CFR 63, §63.1220(b)(5)(i)	(2) Hydrocarbons in the by-pass duct or midkiln gas sampling system in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; and
40 CFR 63, §63.1220(b)(5)(i)	(B) Hydrocarbons in the main stack are limited, if construction of the kiln commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.
40 CFR 63, §63.1220(b)(5)(ii)	(ii) For kilns not equipped with a by-pass duct or midkiln gas sampling system, hydrocarbons and carbon monoxide are limited in the main stack to either:

40 CFR 63, §63.1220(b)(5)(ii)	(A) Hydrocarbons not exceeding 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane; or
40 CFR 63, §63.1220(b)(5)(ii)	(B)(*1*) Carbon monoxide not exceeding 100 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen; and
40 CFR 63, §63.1220(b)(5)(ii)	(2) Hydrocarbons not exceeding 20 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane at any time during the destruction and removal efficiency (DRE) test runs or their equivalent as provided by §63.1206(b)(7); and
40 CFR 63, §63.1220(b)(5)(ii)	(*3*) If construction of the kiln commenced after April 19, 1996 at a plant site where a cement kiln (whether burning hazardous waste or not) did not previously exist, hydrocarbons are limited to 50 parts per million by volume, over a 30-day block average (monitored continuously with a continuous monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane.
40 CFR 63, §63.1220(b)(6)	(6) Hydrogen chloride and chlorine gas in excess of 86 parts per million by volume, combined emissions, expressed as a chloride (Cl(-)) equivalent, dry basis and corrected to 7 percent oxygen; and
40 CFR 63, §63.1220(b)(7)	(7) For particulate matter, both:
40 CFR 63, §63.1220(b)(7)(i)	(i) Emissions in excess of 0.0023 gr/dscf corrected to 7 percent oxygen; and
40 CFR 63, §63.1220(b)(7)(ii)	(ii) Opacity greater than 20 percent, unless your source is equipped with a bag leak detection system under §63.1206(c)(8) or a particulate matter detection system under §63.1206(c)(9).
40 CFR 63, §63.1220(c)(1)	(c) *Destruction and removal efficiency (DRE) standard.* (1) *99.99% DRE.* Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principle organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:
40 CFR 63, §63.1220(c)(3)(i)	(3) *Principal organic hazardous constituent (POHC).* (i) You must treat each POHC in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.
40 CFR 63, §63.1220(c)(3)(ii)	(ii) You must specify one or more POHCs that are representative of the most difficult to destroy organic compounds in your hazardous waste feedstream. You must base this specification on the degree of difficulty of incineration of the organic constituents in the hazardous waste and on their concentration or mass in the hazardous waste feed, considering the results of hazardous waste analyses or other data and information.

40 CFR 63, §63.1220(d)(1)(i)	(d) Cement kilns with in-line kiln raw mills. (1) General. (i) You must conduct performance testing when the raw mill is on-line and when the mill is off-line to demonstrate compliance with the emission standards, and you must establish separate operating parameter limits under §63.1209 for each mode of operation, except as provided by paragraphs (d)(1)(iv) and (d)(1)(v) of this section.
40 CFR 63, §63.1220(d)(1)(ii)	(ii) You must document in the operating record each time you change from one mode of operation to the alternate mode and begin complying with the operating parameter limits for that alternate mode of operation.
40 CFR 63, §63.1220(d)(1)(iii)	(iii) You must calculate rolling averages for operating parameter limits as provided by §63.1209(q)(2).
40 CFR 63, §63.1220(d)(1)(v)	(v) In lieu of conducting a performance test to demonstrate compliance with the dioxin/furan emission standards for the mode of operation when the raw mill is on-line, you may specify in the performance test workplan and Notification of Compliance the same operating parameter limits required under §63.1209(k) for the mode of operation when the raw mill is on-line as you establish during performance testing for the mode of operation when the raw mill is off-line.
40 CFR 63, §63.1220(d)(2)	(2) *Emissions averaging.* You may comply with the mercury, semivolatile metal, low volatile metal, and hydrogen chloride/chlorine gas emission standards on a time-weighted average basis under the following procedures:
40 CFR 63, §63.1220(d)(2)(i)	(i) *Averaging methodology.* You must calculate the time-weighted average emission concentration with the following equation: Ctotal = {Cmill-off × (Tmill-off/(Tmill-off + Tmill-on))} + {Cmill-on × (Tmill-on/(Tmill-off + Tmill-on))} Where: Ctotal = time-weighted average concentration of a regulated constituent considering both raw mill on time and off time; Cmill-off = average performance test concentration of regulated constituent with the raw mill off-line; Cmill-on = average performance test concentration of regulated constituent with the raw mill on-line; Tmill-off = time when kiln gases are not routed through the raw mill; and Tmill-on = time when kiln gases are routed through the raw mill.
40 CFR 63, §63.1220(d)(2)(ii)	(ii) *Compliance.* (A) If you use this emission averaging provision, you must document in the operating record compliance with the emission standards on an annual basis by using the equation provided by paragraph (d)(2) of this section.
40 CFR 63, §63.1220(d)(2)(ii)	(B) Compliance is based on one-year block averages beginning on the day you submit the initial notification of compliance.
40 CFR 63, §63.1220(d)(2)(iii)	(iii) Notification. (A) If you elect to document compliance with one or more emission standards using this emission averaging provision, you must notify the Administrator in the initial comprehensive performance test plan submitted under §63.1207(e).

40 CFR 63, §63.1220(d)(2)(iii)	(B) You must include historical raw mill operation data in the performance test plan to estimate future raw mill down-time and document in the performance test plan that estimated emissions and estimated raw mill down-time will not result in an exceedance of an emission standard on an annual basis.
40 CFR 63, §63.1220(d)(2)(iii)	(C) You must document in the notification of compliance submitted under §63.1207(j) that an emission standard will not be exceeded based on the documented emissions from the performance test and predicted raw mill down-time.
40 CFR 63, §63.1220(f)	(f) *Significant figures.* The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.
40 CFR 63, §63.1220(h)	(h) When you comply with the particulate matter requirements of paragraphs (a)(7) or (b)(7) of this section, you are exempt from the New Source Performance Standard for particulate matter and opacity under §60.60 of this chapter.
40 CFR Part 63, Subpart LLL	
40 CFR 63, §63.1340(a)	(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this subpart apply to each new and existing portland cement plant which is a major source or an area source as defined in §63.2.
40 CFR 63, §63.1340(b)	(b) The affected sources subject to this subpart are:
40 CFR 63, §63.1340(b)(1)	(1) Each kiln and each in-line kiln/raw mill at any major or area source, including alkali bypasses, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to and regulated under subpart EEE of this part;
40 CFR 63, §63.1340(b)(2)	(2) Each clinker cooler at any portland cement plant which is a major source;
40 CFR 63, §63.1340(b)(3)	(3) Each raw mill at any portland cement plant which is a major source;
40 CFR 63, §63.1340(b)(4)	(4) Each finish mill at any portland cement plant which is a major source;
40 CFR 63, §63.1340(b)(5)	(5) Each raw material dryer at any portland cement plant which is a major source and each greenfield raw material dryer at any portland cement plant which is a major or area source;
40 CFR 63, §63.1340(b)(6)	(6) Each raw material, clinker, or finished product storage bin at any portland cement plant which is a major source;
40 CFR 63, §63.1340(b)(7)	(7) Each conveying system transfer point including those associated with coal preparation used to convey coal from the mill to the kiln at any portland cement plant which is a major source; and

40 CFR 63, §63.1340(b)(8)	(8) Each bagging and bulk loading and unloading system at any portland cement plant which is a major source.
40 CFR 63, §63.1340(c)	(c) For portland cement plants with on-site nonmetallic mineral processing facilities, the first affected source in the sequence of materials handling operations subject to this subpart is the raw material storage, which is just prior to the raw mill. Any equipment of the on-site nonmetallic mineral processing plant which precedes the raw material storage is not subject to this subpart. In addition, the primary and secondary crushers of the on-site nonmetallic mineral processing plant, regardless of whether they precede the raw material storage, are not subject to this subpart. Furthermore, the first conveyor transfer point subject to this subpart is the transfer point associated with the conveyor transferring material from the raw material storage to the raw mill.
40 CFR 63, §63.1340(d)	(d) The owner or operator of any affected source subject to the provisions of this subpart is subject to title V permitting requirements.
40 CFR 63, §63.1342(b)	(b) Table 1 of this section provides a summary of emission limits and operating limits of this subpart.
40 CFR 63, §63.1342(b)	All kilns and in-line kiln/raw mills at major sources (including alkali bypass). PM: 0.15 kg/Mg of feed (dry basis).
40 CFR 63, §63.1342(b)	All kilns and in-line kiln/raw mills at major sources (including alkali bypass). Opacity: 20 percent.
40 CFR 63, §63.1342(b)	All clinker coolers at major sources. PM: 0.050 kg/Mg of feed (dry basis).
40 CFR 63, §63.1342(b)	All clinker coolers at major sources. Opacity: 10 percent.
40 CFR 63, §63.1342(b)	All raw mills and finish mills at major sources. Opacity: 10 percent.
40 CFR 63, §63.1342(b)	All kilns and in-line kiln/raw mills at major sources (including alkali bypass). Dioxins and furans: 0.2 ng TEQ/dscm @ >400 °F or0.4 ng TEQ/dscm @ <400°F. Operate such that the three-hour rolling average PMCD inlet temperature is no greater than the temperature established at performance test.
40 CFR 63, §63.1343(a)	(a) General. The provisions in this section apply to each kiln, each in-line kiln/raw mill, and any alkali bypass associated with that kiln or in-line kiln/raw mill.
40 CFR 63, §63.1343(b)	(b) Existing, reconstructed, or new brownfield/major sources. No owner or operator of an existing, reconstructed or new brownfield kiln or an existing, reconstructed or new brownfield in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources, any gases which:
40 CFR 63, §63.1343(b)(1)	(1) Contain particulate matter (PM) in excess of 0.15 kg per Mg (0.30 lb per ton) of feed (dry basis) to the kiln. When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the combined particulate matter emissions from the kiln or in-line kiln/raw mill and the alkali bypass are subject to this emission limit.

40 CFR 63, §63.1343(b)(2)	(2) Exhibit opacity greater than 20 percent.
40 CFR 63, §63.1343(b)(3)	(3) Contain D/F in excess of:
40 CFR 63, §63.1343(b)(3)(i)	(i) 0.20 ng per dscm (8.7×10-11 gr per dscf) (TEQ) corrected to seven percent oxygen; or
40 CFR 63, §63.1343(b)(3)(ii)	(ii) 0.40 ng per dscm (1.7×10-10 gr per dscf) (TEQ) corrected to seven percent oxygen, when the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204 °C (400 °F) or less.
40 CFR 63, §63.1344(a)	(a) The owner or operator of a kiln subject to a D/F emission limitation under §63.1343 must operate the kiln such that the temperature of the gas at the inlet to the kiln particulate matter control device (PMCD) and alkali bypass PMCD, if applicable, does not exceed the applicable temperature limit specified in paragraph (b) of this section. The owner or operator of an in-line kiln/raw mill subject to a D/F emission limitation under §63.1343 must operate the in-line kiln/raw mill, such that:
40 CFR 63, §63.1344(a)(1)	(1) When the raw mill of the in-line kiln/raw mill is operating, the applicable temperature limit for the main in-line kiln/raw mill exhaust, specified in paragraph (b) of this section and established during the performance test when the raw mill was operating is not exceeded.
40 CFR 63, §63.1344(a)(2)	(2) When the raw mill of the in-line kiln/raw mill is not operating, the applicable temperature limit for the main in-line kiln/raw mill exhaust, specified in paragraph (b) of this section and established during the performance test when the raw mill was not operating, is not exceeded.
40 CFR 63, §63.1344(a)(3)	(3) If the in-line kiln/raw mill is equipped with an alkali bypass, the applicable temperature limit for the alkali bypass specified in paragraph (b) of this section and established during the performance test, with or without the raw mill operating, is not exceeded.
40 CFR 63, §63.1344(b)	(b) The temperature limit for affected sources meeting the limits of paragraph (a) of this section or paragraphs (a)(1) through (a)(3) of this section is determined in accordance with §63.1349(b)(3)(iv).
40 CFR 63, §63.1345(a)	(a) No owner or operator of a new or existing clinker cooler at a facility which is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from the clinker cooler any gases which:
40 CFR 63, §63.1345(a)(1)	(1) Contain particulate matter in excess of 0.050 kg per Mg (0.10 lb per ton) of feed (dry basis) to the kiln.
40 CFR 63, §63.1345(a)(2)	(2) Exhibit opacity greater than ten percent.
40 CFR 63, §63.1347	The owner or operator of each new or existing raw mill or finish mill at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged from the mill sweep or air separator air pollution control devices of these affected sources any gases which exhibit opacity in excess of ten percent.

40 CFR 63, §63.1349(a)	(a) The owner or operator of an affected source subject to this subpart shall demonstrate initial compliance with the emission limits of §63.1343 and §§63.1345 through 63.1348 using the test methods and procedures in paragraph (b) of this section and §63.7. Performance test results shall be documented in complete test reports that contain the information required by paragraphs (a)(1) through (a)(10) of this section, as well as all other relevant information. The plan to be followed during testing shall be made available to the Administrator prior to testing, if requested.
40 CFR 63, §63.1349(a)(1)	(1) A brief description of the process and the air pollution control system;
40 CFR 63, §63.1349(a)(2)	(2) Sampling location description(s);
40 CFR 63, §63.1349(a)(3)	(3) A description of sampling and analytical procedures and any modifications to standard procedures;
40 CFR 63, §63.1349(a)(4)	(4) Test results;
40 CFR 63, §63.1349(a)(5)	(5) Quality assurance procedures and results;
40 CFR 63, §63.1349(a)(6)	(6) Records of operating conditions during the test, preparation of standards, and calibration procedures;
40 CFR 63, §63.1349(a)(7)	(7) Raw data sheets for field sampling and field and laboratory analyses;
40 CFR 63, §63.1349(a)(8)	(8) Documentation of calculations;
40 CFR 63, §63.1349(a)(9)	(9) All data recorded and used to establish parameters for compliance monitoring; and
40 CFR 63, §63.1349(a)(10)	(10) Any other information required by the test method.
40 CFR 63, §63.1349(b)	(b) Performance tests to demonstrate initial compliance with this subpart shall be conducted as specified in paragraphs (b)(1) through (b)(4) of this section.

40 CFR 63, §63.1349(b)(1)	(1) The owner or operator of a kiln subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting a performance test as specified in paragraphs (b)(1)(i) through (b)(1)(iv) of this section. The owner or operator of an in-line kiln/raw mill subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting separate performance tests as specified in paragraphs (b)(1)(i) through (b)(1)(iv) of this section while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating. The owner or operator of a clinker cooler subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting a performance test as specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section. The opacity exhibited during the period of the Method 5 of Appendix A to part 60 of this chapter performance tests required by paragraph (b)(1)(i) of this section shall be determined as required in paragraphs (b)(1)(v) through (vi) of this section.
40 CFR 63, §63.1349(b)(1)(i)	(i) Method 5 of appendix A to part 60 of this chapter shall be used to determine PM emissions. Each performance test shall consist of three separate runs under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with §63.7(e). Each run shall be conducted for at least 1 hour, and the minimum sample volume shall be 0.85 dscm (30 dscf). The average of the three runs shall be used to determine compliance. A determination of the PM collected in the impingers ("back half") of the Method 5 particulate sampling train is not required to demonstrate initial compliance with the PM standards of this subpart. However, this shall not preclude the permitting authority from requiring a determination of the "back half" for other purposes.
40 CFR 63, §63.1349(b)(1)(ii)	(ii) Suitable methods shall be used to determine the kiln or inline kiln/raw mill feed rate, except for fuels, for each run.
40 CFR 63, §63.1349(b)(1)(iii)	(iii) The emission rate, E, of PM shall be computed for each run using equation 1:
40 CFR 63, §63.1349(b)(1)(iv)	(iv) When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the main exhaust and alkali bypass of the kiln or in-line kiln/raw mill shall be tested simultaneously and the combined emission rate of particulate matter from the kiln or in-line kiln/raw mill and alkali bypass shall be computed for each run using equation 2,
40 CFR 63, §63.1349(b)(1)(v)	(v) Except as provided in paragraph (b)(1)(vi) of this section the opacity exhibited during the period of the Method 5 performance tests required by paragraph (b)(1)(i) of this section shall be determined through the use of a continuous opacity monitor (COM). The maximum six-minute average opacity during the three Method 5 test runs shall be determined during each Method 5 test run, and used to demonstrate initial compliance with the applicable opacity limits of §63.1343(b)(2), §63.1343(c)(2), or §63.1345(a)(2).

40 CFR 63, §63.1349(b)(3)	(3) The owner or operator of an affected source subject to limitations on D/F emissions under this subpart shall demonstrate initial compliance with the D/F emission limit by conducting a performance test using Method 23 of appendix A to part 60 of this chapter. The owner or operator of an in-line kiln/raw mill shall demonstrate initial compliance by conducting separate performance tests while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating. The owner or operator of a kiln or in-line kiln/raw mill equipped with an alkali bypass shall conduct simultaneous performance tests of the kiln or in-line kiln/raw mill exhaust and the alkali bypass. However, the owner or operator of an in-line kiln/raw mill may conduct a performance test of the alkali bypass exhaust when the raw mill of the in-line kiln/raw mill is operating or not operating.
40 CFR 63, §63.1349(b)(3)(i)	(i) Each performance test shall consist of three separate runs; each run shall be conducted under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with §63.7(e). The duration of each run shall be at least 3 hours, and the sample volume for each run shall be at least 2.5 dscm (90 dscf). The concentration shall be determined for each run, and the arithmetic average of the concentrations measured for the three runs shall be calculated and used to determine compliance.
40 CFR 63, §63.1349(b)(3)(ii)	(ii) The temperature at the inlet to the kiln or in-line kiln/raw mill PMCD, and where applicable, the temperature at the inlet to the alkali bypass PMCD, must be continuously recorded during the period of the Method 23 test, and the continuous temperature record(s) must be included in the performance test report.
40 CFR 63, §63.1349(b)(1)(iii)	(iii) One-minute average temperatures must be calculated for each minute of each run of the test.
40 CFR 63, §63.1349(b)(1)(iv)	(iv) The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with §63.1344(b).
40 CFR 63, §63.1349(c)	(c) Except as provided in paragraph (e) of this section, performance tests required under paragraphs (b)(1) and (b)(2) of this section shall be repeated every five years, except that the owner or operator of a kiln, in-line kiln/raw mill or clinker cooler is not required to repeat the initial performance test of opacity for the kiln, in-line kiln/raw mill or clinker cooler.
40 CFR 63, §63.1349(d)	(d) Performance tests required under paragraph (b)(3) of this section shall be repeated every 30 months.
40 CFR 63, §63.1349(e)(1)	(e)(1) If a source plans to undertake a change in operations that may adversely affect compliance with an applicable D/F standard under this subpart, the source must conduct a performance test and establish new temperature limit(s) as specified in paragraph (b)(3) of this section.
40 CFR 63, §63.1349(e)(2)	(2) If a source plans to undertake a change in operations that may adversely affect compliance with an applicable PM standard under §63.1343, the source must conduct a performance test as specified in paragraph (b)(1) of this section.

40 CFR 63, §63.1349(e)(3)	(3) In preparation for and while conducting a performance test required in paragraph (e)(1) of this section, a source may operate under the planned operational change conditions for a period not to exceed 360 hours, provided that the conditions in paragraphs (e)(3)(i) through (iv) of this section are met. The source shall submit temperature and other monitoring data that are recorded during the pretest operations.
40 CFR 63, §63.1349(e)(3)(i)	(i) The source must provide the Administrator written notice at least 60 days prior to undertaking an operational change that may adversely affect compliance with an applicable standard under this subpart, or as soon as practicable where 60 days advance notice is not feasible. Notice provided under this paragraph shall include a description of the planned change, the emissions standards that may be affected by the change, and a schedule for completion of the performance test required under paragraph (e)(1) of this section, including when the planned operational change period would begin.
40 CFR 63, §63.1349(e)(3)(ii)	(ii) The performance test results must be documented in a test report according to paragraph (a) of this section.
40 CFR 63, §63.1349(e)(3)(iii)	(iii) A test plan must be made available to the Administrator prior to testing, if requested.
40 CFR 63, §63.1349(e)(3)(iv)	(iv) The performance test must be conducted, and it must be completed within 360 hours after the planned operational change period begins.
40 CFR 63, §63.1350(a)	(a) The owner or operator of each portland cement plant shall prepare for each affected source subject to the provisions of this subpart, a written operations and maintenance plan. The plan shall be submitted to the Administrator for review and approval as part of the application for a part 70 permit and shall include the following information:
40 CFR 63, §63.1350(a)(1)	(1) Procedures for proper operation and maintenance of the affected source and air pollution control devices in order to meet the emission limits and operating limits of §§63.1343 through 63.1348;
40 CFR 63, §63.1350(a)(2)	(2) Corrective actions to be taken when required by paragraph (e) of this section;
40 CFR 63, §63.1350(a)(3)	(3) Procedures to be used during an inspection of the components of the combustion system of each kiln and each in-line kiln raw mill located at the facility at least once per year; and
40 CFR 63, §63.1350(a)(4)	(4) Procedures to be used to periodically monitor affected sources subject to opacity standards under §§63.1346 and 63.1348. Such procedures must include the provisions of paragraphs (a)(4)(i) through (a)(4)(iv) of this section.
40 CFR 63, §63.1350(a)(4)(i)	(i) The owner or operator must conduct a monthly 1-minute visible emissions test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation.

40 CFR 63, §63.1350(a)(4)(ii)	(ii) If no visible emissions are observed in six consecutive monthly tests for any affected source, the owner or operator may decrease the frequency of testing from monthly to semi-annually for that affected source. If visible emissions are observed during any semi-annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.
40 CFR 63, §63.1350(a)(4)(iii)	(iii) If no visible emissions are observed during the semi-annual test for any affected source, the owner or operator may decrease the frequency of testing from semi-annually to annually for that affected source. If visible emissions are observed during any annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.
40 CFR 63, §63.1350(a)(4)(iv)	(iv) If visible emissions are observed during any Method 22 test, the owner or operator must conduct a 6-minute test of opacity in accordance with Method 9 of appendix A to part 60 of this chapter. The Method 9 test must begin within one hour of any observation of visible emissions.
40 CFR 63, §63.1350(a)(4)(v)	(v) The requirement to conduct Method 22 visible emissions monitoring under this paragraph shall not apply to any totally enclosed conveying system transfer point, regardless of the location of the transfer point. "Totally enclosed conveying system transfer point" shall mean a conveying system transfer point that is enclosed on all sides, top, and bottom. The enclosures for these transfer points shall be operated and maintained as total enclosures on a continuing basis in accordance with the facility operations and maintenance plan.
40 CFR 63, §63.1350(a)(4)(vi)	(vi) If any partially enclosed or unenclosed conveying system transfer point is located in a building, the owner or operator of the portland cement plant shall have the option to conduct a Method 22 visible emissions monitoring test according to the requirements of paragraphs (a)(4)(i) through (iv) of this section for each such conveying system transfer point located within the building, or for the building itself, according to paragraph (a)(4)(vii) of this section.
40 CFR 63, §63.1350(a)(4)(vii)	(vii) If visible emissions from a building are monitored, the requirements of paragraphs (a)(4)(i) through (iv) of this section apply to the monitoring of the building, and you must also test visible emissions from each side, roof and vent of the building for at least 1 minute. The test must be conducted under normal operating conditions.
40 CFR 63, §63.1350(b)	(b) Failure to comply with any provision of the operations and maintenance plan developed in accordance with paragraph (a) of this section shall be a violation of the standard.
40 CFR 63, §63.1350(c)	(c) The owner or operator of a kiln or in-line kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.
40 CFR 63, §63.1350(c)(1)	(1) Except as provided in paragraph (c)(2) of this section, the owner or operator shall install, calibrate, maintain, and continuously operate a continuous opacity monitor (COM) located at the outlet of the PM control device to continuously monitor the opacity. The COM shall be installed, maintained, calibrated, and operated as required by subpart A, general provisions of this part, and according to PS-1 of appendix B to part 60 of this chapter.

40 CFR 63, §63.1350(c)(3)	(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute block period exceeds 20 percent, this shall constitute a violation of the standard.
40 CFR 63, §63.1350(d)	(d) The owner or operator of a clinker cooler shall monitor opacity at each point where emissions are vented from the clinker cooler in accordance with paragraphs (d)(1) through (d)(3) of this section.
40 CFR 63, §63.1350(d)(1)	(1) Except as provided in paragraph (d)(2) of this section, the owner or operator shall install, calibrate, maintain, and continuously operate a COM located at the outlet of the clinker cooler PM control device to continuously monitor the opacity. The COM shall be installed, maintained, calibrated, and operated as required by subpart A, general provisions of this part, and according to PS-1 of appendix B to part 60 of this chapter.
40 CFR 63, §63.1350(d)(3)	(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 10 percent. If the average opacity for any 6-minute block period exceeds 10 percent, this shall constitute a violation of the standard.
40 CFR 63, §63.1350(e)	(e) The owner or operator of a raw mill or finish mill shall monitor opacity by conducting daily visual emissions observations of the mill sweep and air separator PMCD of these affected sources in accordance with the procedures of Method 22 of appendix A to part 60 of this chapter. The Method 22 test shall be conducted while the affected source is operating at the representative performance conditions. The duration of the Method 22 test shall be 6 minutes. If visible emissions are observed during any Method 22 visible emissions test, the owner or operator must:
40 CFR 63, §63.1350(e)(1)	(1) Initiate, within one-hour, the corrective actions specified in the site specific operating and maintenance plan developed in accordance with paragraphs (a)(1) and (a)(2) of this section; and
40 CFR 63, §63.1350(e)(2)	(2) Within 24 hours of the end of the Method 22 test in which visible emissions were observed, conduct a followup Method 22 test of each stack from which visible emissions were observed during the previous Method 22 test. If visible emissions are observed during the followup Method 22 test from any stack from which visible emissions were observed during the previous Method 22 test, conduct a visual opacity test of each stack from which emissions were observed during the follow up Method 22 test in accordance with Method 9 of appendix A to part 60 of this chapter. The duration of the Method 9 test shall be 30 minutes.
40 CFR 63, §63.1350(f)	(f) The owner or operator of an affected source subject to a limitation on D/F emissions shall monitor D/F emissions in accordance with paragraphs (f)(1) through (f)(6) of this section.
40 CFR 63, §63.1350(f)(1)	(1) The owner or operator shall install, calibrate, maintain, and continuously operate a continuous monitor to record the temperature of the exhaust gases from the kiln, in-line kiln/raw mill and alkali bypass, if applicable, at the inlet to, or upstream of, the kiln, in-line kiln/raw mill and/or alkali bypass PM control devices.
40 CFR 63, §63.1350(f)(1)(i)	(i) The recorder response range must include zero and 1.5 times either of the average temperatures established according to the requirements in §63.1349(b)(3)(iv).
40 CFR 63, §63.1350(f)(1)(ii)	(ii) The reference method must be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or alternate reference, subject to approval by the Administrator.

40 CFR 63, §63.1350(f)(2)	(2) The owner or operator shall monitor and continuously record the temperature of the exhaust gases from the kiln, in-line kiln/raw mill and alkali bypass, if applicable, at the inlet to the kiln, in-line kiln/raw mill and/or alkali bypass PMCD.
40 CFR 63, §63.1350(f)(3)	(3) The three-hour rolling average temperature shall be calculated as the average of 180 successive one-minute average temperatures.
40 CFR 63, §63.1350(f)(4)	(4) Periods of time when one-minute averages are not available shall be ignored when calculating three-hour rolling averages. When one-minute averages become available, the first one-minute average is added to the previous 179 values to calculate the three-hour rolling average.
40 CFR 63, §63.1350(f)(5)	(5) When the operating status of the raw mill of the in-line kiln/raw mill is changed from off to on, or from on to off the calculation of the three-hour rolling average temperature must begin anew, without considering previous recordings.
40 CFR 63, §63.1350(f)(6)	(6) The calibration of all thermocouples and other temperature sensors shall be verified at least once every three months.
40 CFR 63, §63.1350(i)	(i) The owner or operator of any kiln or in-line kiln/raw mill subject to a D/F emission limit under this subpart shall conduct an inspection of the components of the combustion system of each kiln or in-line kiln raw mill at least once per year.
40 CFR 63, §63.1350(j)	(j) The owner or operator of an affected source subject to a limitation on opacity under §63.1346 or §63.1348 shall monitor opacity in accordance with the operation and maintenance plan developed in accordance with paragraph (a) of this section.
40 CFR 63, §63.1350(k)	(k) The owner or operator of an affected source subject to a particulate matter standard under §63.1343 shall install, calibrate, maintain, and operate a particulate matter continuous emission monitoring system (PM CEMS) to measure the particulate matter discharged to the atmosphere. All requirements relating to installation, calibration, maintenance, operation or performance of the PM CEMS and implementation of the PM CEMS requirement are deferred pending further rulemaking.
40 CFR 63, §63.1351(b)	(b) The compliance date for an owner or operator of an affected source subject to the provisions of this subpart that commences new construction or reconstruction after March 24, 1998 is June 14, 1999 or upon startup of operations, whichever is later.
40 CFR 63, §63.1353(a)	(a) The notification provisions of 40 CFR part 63, subpart A that apply and those that do not apply to owners and operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a notice that contains all of the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.
40 CFR 63, §63.1353(b)	(b) Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in §63.9 as follows:

40 CFR 63, §63.1353(b)(1)	(1) Initial notifications as required by §63.9(b) through (d). For the purposes of this subpart, a Title V or 40 CFR part 70 permit application may be used in lieu of the initial notification required under §63.9(b), provided the same information is contained in the permit application as required by §63.9(b), and the State to which the permit application has been submitted has an approved operating permit program under part 70 of this chapter and has received delegation of authority from the EPA. Permit applications shall be submitted by the same due dates as those specified for the initial notification.
40 CFR 63, §63.1353(b)(2)	(2) Notification of performance tests, as required by §§63.7 and 63.9(e).
40 CFR 63, §63.1353(b)(3)	(3) Notification of opacity and visible emission observations required by §63.1349 in accordance with §§63.6(h)(5) and 63.9(f).
40 CFR 63, §63.1353(b)(4)	(4) Notification, as required by §63.9(g), of the date that the continuous emission monitor performance evaluation required by §63.8(e) is scheduled to begin.
40 CFR 63, §63.1353(b)(5)	(5) Notification of compliance status, as required by §63.9(h).
40 CFR 63, §63.1354(a)	(a) The reporting provisions of subpart A of this part that apply and those that do not apply to owners or operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a report that contains all of the information required in a report listed in this section, the owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.
40 CFR 63, §63.1354(b)	(b) The owner or operator of an affected source shall comply with the reporting requirements specified in §63.10 of the general provisions of this part 63, subpart A as follows:
40 CFR 63, §63.1354(b)(1)	(1) As required by §63.10(d)(2), the owner or operator shall report the results of performance tests as part of the notification of compliance status.
40 CFR 63, §63.1354(b)(2)	(2) As required by §63.10(d)(3), the owner or operator of an affected source shall report the opacity results from tests required by §63.1349.
40 CFR 63, §63.1354(b)(3)	(3) As required by §63.10(d)(4), 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 by the dates specified in the written extension of compliance.
40 CFR 63, §63.1354(b)(4)	(4) As required by §63.10(d)(5), 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 specified in §63.6(e)(3), the owner or operator shall state such information in a semiannual report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report may be submitted simultaneously with the excess emissions and continuous monitoring system performance reports; and

40 CFR 63, §63.1354(b)(5)	(5) 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 in the startup, shutdown, and malfunction plan, the owner or operator shall make an immediate report of the actions taken for that event within 2 working days, by telephone call or facsimile (FAX) transmission. The immediate report shall be followed by a letter, certified by the owner or operator or other responsible official, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred.
40 CFR 63, §63.1354(b)(6)	(6) As required by §63.10(e)(2), the owner or operator shall submit a written report of the results of the performance evaluation for the continuous monitoring system required by §63.8(e). The owner or operator shall submit the report simultaneously with the results of the performance test.
40 CFR 63, §63.1354(b)(7)	(7) As required by §63.10(e)(2), the owner or operator of an affected source using a continuous opacity monitoring system to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall report the results of the continuous opacity monitoring system performance evaluation conducted under §63.8(e).
40 CFR 63, §63.1354(b)(8)	(8) As required by §63.10(e)(3), the owner or operator of an affected source equipped with a continuous emission monitor shall submit an excess emissions and continuous monitoring system performance report for any event when the continuous monitoring system data indicate the source is not in compliance with the applicable emission limitation or operating parameter limit.
40 CFR 63, §63.1354(b)(9)	(9) The owner or operator shall submit a summary report semiannually which contains the information specified in §63.10(e)(3)(vi). In addition, the summary report shall include:
40 CFR 63, §63.1354(b)(9)(i)	(i) All exceedences of maximum control device inlet gas temperature limits specified in §63.1344(a) and (b);
40 CFR 63, §63.1354(b)(9)(ii)	(ii) All failures to calibrate thermocouples and other temperature sensors as required under §63.1350(f)(7) of this subpart; and
40 CFR 63, §63.1354(b)(9)(iii)	(iii) All failures to maintain the activated carbon injection rate, and the activated carbon injection carrier gas flow rate or pressure drop, as applicable, as required under §63.1344(c).
40 CFR 63, §63.1354(b)(9)(iv)	(iv) The results of any combustion system component inspections conducted within the reporting period as required under §63.1350(i).
40 CFR 63, §63.1354(b)(9)(v)	(v) All failures to comply with any provision of the operation and maintenance plan developed in accordance with §63.1350(a).
40 CFR 63, §63.1354(b)(10)	(10) If the total continuous monitoring system downtime for any CEM or any continuous monitoring system (CMS) for the reporting period is ten percent or greater of the total operating time for the reporting period, the owner or operator shall submit an excess emissions and continuous monitoring system performance report along with the summary report.

40 CFR 63, §63.1355(a)	(a) The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by §63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two years of data shall be retained on site. The remaining three years of data may be retained off site. The files may be maintained on microfilm, on a computer, on floppy disks, on magnetic tape, or on microfiche.
40 CFR 63, §63.1355(b)	(b) The owner or operator shall maintain records for each affected source as required by §63.10(b)(2) and (b)(3) of this part; and
40 CFR 63, §63.1355(b)(1)	(1) All documentation supporting initial notifications and notifications of compliance status under §63.9;
40 CFR 63, §63.1355(b)(2)	(2) All records of applicability determination, including supporting analyses; and
40 CFR 63, §63.1355(b)(3)	(3) If the owner or operator has been granted a waiver under §63.8(f)(6), any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements.
40 CFR 63, §63.1355(c)	(c) In addition to the recordkeeping requirements in paragraph (b) of this section, the owner or operator of an affected source equipped with a continuous monitoring system shall maintain all records required by §63.10(c).

CERTIFICATE OF SERVICE

I, Cynthia Hook, hereby certify that a copy of this permit has been mailed by first class mail to Ash Grove Cement Company, 4457 Highway 108, Foreman, AR, 71836, on this 23rd day of August, 2007.

C Hook

Cynthia Hook, AAII, Air Division