Engineer Name	Fred Cruz
Engineer's Regional Manager	Rupi Gill
Facility Name	E&J Gallo Winery (Livingston)
Facility #	N-1237
Project #	N-1102961
Facility Location	18000 West River Road, Livingston, CA
More than one ATC?	no
ATC's with COC (ex. S-134-3-2, '-4-3, and '6-2)	N-1237-4-13
Modification Details (Complete Sentences)	The applicant is proposing to install a NOx and O_2 in-stack monitoring system to comply with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64.
Contact Receiving Proposed	Mr. Lupe Munoz
Mailing Address	18000 W River Rd Livingston, CA 95334

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

OCT 0 1 2010

Lupe Munoz
E&J Gallo Winery (Livingston)
18000 W River Rd
Livingston, CA 95334

Re: Proposed Authority to Construct / Certificate of Conformity (Minor Mod)
District Facility # N-1237
Project # N-1102961

Dear Mr. Munoz:

Enclosed for your review is the District's analysis of your application for Authority to Construct for the facility identified above. You have requested that a Certificate of Conformity with the procedural requirements of 40 CFR Part 70 be issued with this project. The applicant is proposing to install a NOx and O2 in-stack monitoring system to comply with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64.

After addressing any EPA comments made during the 45-day comment period, the Authority to Construct will be issued to the facility with a Certificate of Conformity. Prior to operating with modifications authorized by the Authority to Construct, the facility must submit an application to modify the Title V permit as an administrative amendment, in accordance with District Rule 2520, Section 11.5.

If you have any questions, please contact Mr. Rupi Gill, Permit Services Manager, at (209) 557-6400.

Thank you for your cooperation in this matter.

Sincerely,

David Warner
Director of Permit Services

Enclosures
cc: Fred Cruz, Permit Services

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

OCT 0 1 2010

Gerardo C. Rios, Chief
Permits Office
Air Division
U.S. EPA - Region IX
75 Hawthorne St
San Francisco, CA 94105

Re: **Proposed Authority to Construct / Certificate of Conformity (Minor Mod)**
District Facility # N-1237
Project # N-1102961

Dear Mr. Rios:

Enclosed for your review is the District's engineering evaluation of an application for Authority to Construct for E&J Gallo Winery (Livingston) located at 18000 West River Road, Livingston, CA, which has been issued a Title V permit. E&J Gallo Winery (Livingston) is requesting that a Certificate of Conformity, with the procedural requirements of 40 CFR Part 70, be issued with this project. The applicant is proposing to install a NOx and O2 in-stack monitoring system to comply with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64.

Enclosed is the engineering evaluation of this application, a copy of the current Title V permit, and proposed Authority to Construct # N-1237-4-13 with Certificate of Conformity. After demonstrating compliance with the Authority to Construct, the conditions will be incorporated into the facility's Title V permit through an administrative amendment.

Please submit your written comments on this project within the 45-day comment period that begins on the date you receive this letter. If you have any questions, please contact Mr. Rupi Gill, Permit Services Manager, at (209) 557-6400.

Thank you for your cooperation in this matter.

Sincerely,

David Warner
Director of Permit Services

Enclosures
cc: Fred Cruz, Permit Services

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
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Central Region (Main Office)
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San Joaquin Valley
Air Pollution Control District
Authority to Construct

Modification of Natural Gas-Fired Boiler Alternate Monitoring Requirements

Facility Name:	E & J Gallo Winery	Date:	August 14, 2010
Mailing Address:	18000 W. River Road	Engineer:	Fred Cruz
	Livingston, CA 95334	Lead Engineer:	Nick Peirce
Contact Persons:	Lupe Munoz	Jose Garibay	
Telephone:	(209) 341-6211	(209) 394-6257	
Fax:	(559) 458-5937		
Application No:	N-1237-4-13		
Project #:	1102961		
Deemed Complete:	July 27, 2010		

I. PROPOSAL:

E & J Gallo Winery submitted an Authority to Construct (ATC) application to modify their 150 MMBtu/hr natural gas fired boiler at its wine production facility located in Livingston, CA (existing PTO N-1237-4-11 included in Appendix B). The applicant is proposing to install a NOx and O_2 in-stack monitoring system to comply with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64. In addition, the applicant proposes to incorporate the ATC conditions from ATC N-1237-4-12 for District Rule 4320 compliance with this project.

E & J Gallo Winery received their Title V Permit on July 31, 2000. This modification can be classified as a Title V minor modification pursuant to Rule 2520, Section 3.20 and can be processed with a Certificate of Conformity (COC). Since the facility has specifically requested that this project be processed in that manner, the 45-day EPA comment period will be satisfied prior to the issuance of the Authority to Construct. E & J Gallo Winery must apply to administratively amend their Title V Operating Permit to include the requirements of the ATC issued with this project.

II. APPLICABLE RULES:

District Rule 2201	New and Modified Stationary Source Review Rule (12/18/2008)
District Rule 2520	Federally Mandated Operating Permits (6/21/2001)
District Rule 4001	New Source Performance Standards (4/14/1999)
District Rule 4101	Visible Emissions (2/17/2005)
District Rule 4102	Nuisance (12/17/1992)
District Rule 4201	Particulate Matter Concentration (12/17/1992)
District Rule 4301	Fuel Burning Equipment (12/17/1992)
District Rule 4304	Equipment Tuning Procedure for Boilers, Steam Generators and Process Heaters (10/19/1995)

District Rule 4305	Boilers, Steam Generators and Process Heaters – Phase 2 (8/21/03)
District Rule 4306	Boilers, Steam Generators and Process Heaters – Phase 3 (10/16/08)
District Rule 4320	Advanced Emission Reduction Options for Boilers, Steam Generators, and Process Heaters Greater than 5.0 MMBtu/hr (10/16/08)
District Rule 4351	Boilers, Steam Generators and Process Heaters – Phase 1 (08/21/03)
District Rule 4801	Sulfur Compounds (12/17/92)
CH&SC 41700	Health Risk Assessment
CH&SC 42301.6	School Notice

Public Resources Code 21000-21177: California Environmental Quality Act (CEQA)
California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387: CEQA Guidelines

III. PROJECT LOCATION:

This facility is located at 18000 W. River Road in Livingston, CA.

Pursuant to California Health and Safety Code Section 42301.6, an application for a permit to construct or to modify a source which emits hazardous air emissions, which source is located within 1,000 feet from the outer boundary of a K-12 school site, the air pollution control officer shall prepare a public notice in which the proposed modification for which the application for a permit is fully described. The proposed project location is not within 1,000 feet of the outer boundary or a K-12 school site. Therefore, the public noticing requirement of California Health and Safety Code 42301.6 does not apply. See attached site map.

IV. PROCESS DESCRIPTION:

E & J Gallo Winery operates this natural gas-fired boiler to provide heat and steam for their wine production operations at this location. The facility is requesting to install a NOx and O_2 in-stack monitoring system to comply with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64. The applicant is not proposing any additions, changes or modifications to this boiler.

V. EQUIPMENT LISTING:

Pre-Project Equipment Description:

N-1237-4-11:
150 MMBTU/HR MURRAY MODEL MSF5-99 NATURAL GAS-FIRED BOILER WITH A TODD COMBUSTION MODEL SV750FGX LOW NOX BURNER, FLUE GAS RECIRCULATION AND A CRI COMPANY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM

ATC Equipment Description:

N-1237-4-13:
MODIFICATION OF 150 MMBTU/HR MURRAY MODEL MSF5-99 NATURAL GAS-FIRED BOILER WITH A TODD COMBUSTION MODEL SV750FGX LOW NOX BURNER, FLUE GAS RECIRCULATION AND A CRI COMPANY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM: INSTALL IN-STACK NOx AND O2 MONITORING FOR CONTINUOUS ALTERNATIVE MONITORING (CAM) REQUIREMENTS OF 40 CFR PART 64.

Post Project Equipment Description:

N-1237-4-13:
150 MMBTU/HR MURRAY MODEL MSF5-99 NATURAL GAS-FIRED BOILER WITH A TODD COMBUSTION MODEL SV750FGX LOW NOX BURNER, FLUE GAS RECIRCULATION AND A CRI COMPANY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM

VI. EMISSION CONTROL TECHNOLOGY EVALUATION:

Since the applicant is not proposing any additions, changes or modifications to the boiler's current emission control equipment, an emission control technology evaluation will not be performed. See projects N-1093350 and N-1060194 for emission control technology discussion.

VII. GENERAL CALCULATIONS:

This project does not meet the criteria for a Rule 2201 Modification, as defined in Section 3.25 and further clarified in District guidance FYI-111, example #2. Therefore, this project is not subject to the requirements of Rule 2201. Formal calculations for Rule 2201 (e.g. BACT, offset, public notification, major modification, etc.) are not required.

VIII. COMPLIANCE:

District Rule 2201 New and Modified Stationary Source Review Rule

Per Section 2.0, this rule shall apply to all new stationary sources and all modifications to existing stationary sources which are subject to the District permit requirements and after construction emit or may emit one or more affected pollutants.

E & J Gallo Winery is an existing stationary source which is subject to District permit requirements. Per Section, 3.25, a modification to an existing stationary source is defined as an action including at least one of the following items:

- Any change in hours of operation, production rate, or method of operation of an existing emissions unit, which would necessitate a change in permit conditions.

- Any structural change or addition to an existing emissions unit which would necessitate a change in permit conditions. Routine replacement shall not be considered to be a structural change.

- An increase in emissions from an emissions unit caused by a modification of the Stationary Source when the emissions unit is not subject to a daily emissions limitation.

- Addition of any new emissions unit which is subject to District permitting requirements.

- A change in a permit term or condition proposed by an applicant to obtain an exemption from an applicable requirement to which the source would otherwise be subject.

E & J Gallo Winery is proposing to install a NOx and O_2 in-stack monitoring system to comply with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64. The proposed change is not a change in hours of operation, production rate, or method of operation and is not a structural change which would necessitate a change in permit conditions. There are no new emission units associated with this project and the changes do not result in an increase in emissions. The facility has not proposed a change in a permit term or condition to obtain an exemption from an applicable requirement to which the source would otherwise be subject. Therefore, the proposed changes do not meet the definition of a modification as shown above and the requirements of this rule are not applicable for the purposes of this project.

District Rule 2520 Federally Mandated Operating Permits

This facility is subject to this Rule, and has received their Title V Operating Permit. Per Section 3.2, an administrative amendment of a Title V permit is defined as an amendment that:

- Corrects typographical errors;
- Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- Requires more frequent monitoring or reporting by the permittee; or
- Allows for a change in ownership or operational control of a source where the District determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the District; and
- Incorporates other applicable requirements which the EPA has determined as part of an approved part 70 program to be similar to those in Sections 3.2.1 through 3.2.4.
- Incorporates requirements from an Authority to Construct for a new or modified emissions unit pursuant to the provisions of District Rule 2201 (New and Modified Stationary Source Review) provided that a certificate of conformity with procedural

requirements of 40 CFR part 70 has been issued in conjunction with the Authority to Construct.

Per Section 3.20, minor modifications of a Title V permit are defined as modifications that:

- Do not violate requirements of any applicable federally enforceable local or federal regulations;
- Do not relax monitoring, reporting, or recordkeeping requirements in the permit and are not significant changes in existing monitoring permit terms or conditions;
- Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.
- Are not Title I modifications as defined in this rule, or modifications as defined in section 111 or 112 of the Federal Clean Air Act, or major modifications under the prevention of significant deterioration (PSD) provisions of Title I of the CAA or under EPA PSD regulations; and
- Do not seek to consolidate overlapping applicable requirements.

E & J Gallo Winery is proposing to install a NOx and O_2 in-stack monitoring system to comply with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64. Therefore, the proposed modification is a Minor Modification to the Title V Permit pursuant to Sections 3.2 and 3.20 of this rule. As discussed above, the facility has applied for a Certificate of Conformity (COC); therefore, the facility must apply to modify their Title V permit with an administrative amendment, prior to operating with the proposed modifications. The following conditions will be included on the ATC to ensure compliance with this requirement:

- This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District NSR Rule]

- Prior to operating with modifications authorized by this Authority to Construct, the facility shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4]

District Rule 4001 New Source Performance Standards

40 CFR Part 60 Subpart Db:

Section 60.40b(a) states that this subpart shall apply to any steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hr). As shown above, the heat input rating of this burner is 150 MMBtu/hr. However, as determined on District Project N1060194, the boiler was

installed in 1982 (prior to the 1984 applicable date) and no modification or reconstruction has occurred after the installation date. Therefore, the requirements of 40 CFR Part 60, Subpart Db no not apply to this boiler. The following condition will be retained from Authority to Construct N-1237-4-12 and included on the permit to state this subpart does not apply to this unit.

- *The requirements of 40 CFR 60, subpart Db do not apply to this source. A permit shield is granted for this requirement. [District Rule 2520, 13.2]*

No newly constructed or reconstructed units are proposed in this project. Since the applicant is only proposing to install an in-stack monitoring system to monitor NOx and O2 to meet the CAM requirements of 40 CFR Part 64, this project does not meet the definition of a modification. Therefore, the requirements of this section does not apply to this unit.

<u>40 CFR Part 64:</u>

Except for back-up utility units that are exempt under paragraph (b)(2), Section 64.2 states that the requirements of this subpart shall apply to a pollutant-specific emissions unit at a major source that is required to obtain a Part 70 or 71 permit if the unit satisfies all of the following criteria:

1) the unit must have an emission limit for the pollutant;
2) the unit must have add-on controls for the pollutant; these are devices such as flue gas recirculation (FGR), baghouses, catalytic oxidizers, etc; and
3) the unit must have a pre-control potential to emit of greater than the major source thresholds.

Pollutant	Major Source Threshold (lb/year)
VOC	20,000
NO_X	20,000
CO	200,000
PM_{10}	140,000
SO_X	140,000

The permit for this boiler contains emission limits for NO_X, CO, VOC, PM_{10} and SO_X emissions. However, this boiler is not equipped with any add on control devices for CO, VOC, PM_{10} or SO_X emissions. Therefore, the CAM requirements of 40 CFR 64 are not applicable for these pollutants and no further discussion is required.

This boiler is equipped with a selective catalytic reduction (SCR) system and a flue gas recirculation (FGR) system. Both of these systems provide control for NO_X emissions. Typically the District assumes that an SCR system in combination with an FGR system will achieve a minimum of 90% control for the NO_X emissions generated in a natural gas fired boiler. Therefore, the uncontrolled NO_X emission rate from this boiler can be

determined using the emission factor and maximum heat input rating on the current permit and the control efficiency of the SCR and FGR systems.

NO_X Emissions:

Controlled Emission Factor = 0.008 lb/MMBtu
Heat Input Rating = 150.0 MMBtu/hr
Maximum Operating Schedule = 8,760 hours/year
SCR + FGR System Control Efficiency = 90%

$$\text{Annual Uncontrolled PE} = \frac{[0.008\ \text{lb/MMBtu} \times 150\ \text{MMBtu/hour} \times 8{,}760\ \text{hours/year}]}{(1 - 0.90)]}$$

Annual Uncontrolled PE = 105,120 lb/year

As shown above, the uncontrolled PE for NO_X emissions is greater than the major source thresholds. Therefore, this boiler is subject to the requirements of 40 CFR 64.

§64.3 - Monitoring Design Criteria [1]

This section specifies the design criteria for the CAM system. Paragraph (a) (General criteria) requires that the CAM system be designed to obtain data for one or more appropriate indicators of emission control system performance and requires the owner to establish appropriate ranges or designated conditions for the selected indicators such that operation within the ranges provides a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions.

As shown above, the 150.0 MMBtu/hr natural gas fired boiler is served by a selective catalytic reduction (SCR) system and is the only unit subject to CAM at this facility. A Selective Catalytic Reduction (SCR) system operates as an external control device where flue gases and a reagent, in this case ammonia, are passed through an appropriate catalyst. Ammonia, will be injected upstream of the catalyst where it reacts and reduces NO_X, over the catalyst bed, to form elemental nitrogen and other by-products.

E&J Gallo Winery has chosen to satisfy CAM requirements by installing in-stack NO_X and O_2 analyzers upstream of the stack sampling locations used during source testing. The in-stack analyzers will take NO_X and O_2 measurements at least once each day that the boiler operates.

Paragraph (b) (*Performance criteria)* requires the owner or operator to establish and maintain the following:

- Specifications to ensure that representative data are collected

[1] Monitoring design criteria was submitted by the applicant in their Title V permit renewal submittal, see project N-1053014.

In addition to the in-stack NO_X and O_2 analyzers, a computerized central processing unit (CPU) will be installed where the NO_X and O_2 analyzer readings will be downloaded and saved for archiving. Therefore, sufficient data will be collected for the boiler to ensure it is operating in compliance to justify the once daily readings as representative normal operating conditions.

- Verification procedures for startup of new monitoring equipment

- Quality assurance and control practices to ensure continuing validity of data

Periodic NO_X source testing is required at least once every 36 months and monitoring of the NH_3 slip with Draeger tubes is performed at least once per month. These periodic direct emission measurements ensure that the boiler and the SCR system are operating properly. In addition, the boiler is serviced and/or tuned in accordance with the manufacturer's recommendations.

- Data collection frequency and procedures

E&J Gallo Winery will be required to measure and record the NOx and O_2 readings from this boiler at least once daily. These records shall be maintained by the facility and shall be made available upon request.

Paragraph (c) (Evaluation factors) requires the owner or operator to take into account site specific factors in the design of the CAM system.

> (c) Evaluation factors. In designing monitoring to meet the requirements of this section, the owner or operator shall take into account site-specific factors including the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.

No additional site specific information will need to be accounted for in the design of the proposed CAM system.

> (d) Special criteria for the use of continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS) or predictive emission monitoring system (PEMS)

A CEMS, COMS, or PEMS is not necessary or required for the subject emission unit. Therefore, the requirements of this section are not applicable and no further discussion is required.

<u>§64.4 - Submittal Requirements</u>

This section specifies submittal requirements for the owner or operator which ensure the CAM system will comply with the design criteria of §64.3. E&J Gallo Winery has submitted a complete CAM system proposal that specifies the parameters to be

monitored in accordance with §64.3 above. Therefore, E&J Gallo Winery has satisfied the requirements of the submittal requirements of this section and no further discussion is required.

§64.5 - Deadlines for Submittals

This section specifies required timing for submittals required under §64.4.

Large pollutant-specific emissions units (those with controlled emissions exceeding major source thresholds) are required to make the submittals as a part of the initial Title V permit application where the application has either not been filed or has not been deemed complete. Where the initial Title V permit has been issued without implementation of 40 CFR 64, the owner or operator must make the required submittals as a part of a subsequent application for any significant permit revision. If the required information is not submitted by either of these deadlines, it must be submitted as a part of the application for the Title V permit renewal.

For *other pollutant-specific emissions units,* the required submittal deadline is the application for Title V permit renewal. E&J Gallo Winery has submitted their CAM proposal with their Title V renewal application. Therefore, E&J Gallo Winery has satisfied the submittal deadline requirements of this section and no further discussion is required.

§64.6 - Approval of Monitoring

This section stipulates the following:

- A requirement that the permitting authority act to approve the proposed monitoring by confirming that the monitoring submitted complies with the requirements of §64.3
- An allowance for the permitting authority to condition the approval based on collecting additional data on the indicators to be monitored, including performance or compliance testing
- The minimum conditions that must be placed on the permit in the event that the proposed monitoring is approved by the permitting authority including a milestone schedule for completion of any conditional approval actions required by the owner or operator, such as installations, testing, or verification of operational status
- Actions required by the permitting authority in the event that the proposed monitoring is not approved

The CAM submittal requirements and stipulations for approval of such submittals pursuant to §64.4, §64.5, and §64.6 have been completed in conjunction with the application and review process for this Title V permit application. Therefore, E&J Gallo Winery is in compliance with the requirements of this section and no further discussion is required.

§64.7 - Operation of Approved Monitoring

This section stipulates the following:

- Requirements that the owner or operator 1) commence the monitoring upon receipt of a Title V permit that includes such monitoring, 2) properly maintain the monitoring system, and 3) conduct all monitoring in a continuous mode with the exception of outage periods associated with monitor malfunction and repair and with quality assurance and control activities
- Actions required by the owner or operator in response to excursions or exceedances
- A requirement for the owner or operator to document any need for improved monitoring based upon either an identification of a failure of the monitoring system to identify an excursion or exceedance or upon the results of compliance or performance testing that identifies a need to modify the monitoring

The following condition will be included on the ATC permit to ensure compliance with this section:

- The permittee shall comply with the compliance assurance monitoring operation and maintenance requirements of 40 CFR Part 64.7. [40 CFR 64]

<u>§64.8 - Quality Improvement Plan (QIP) Requirements</u>

This section stipulates that the Administrator or the permitting authority may require that the facility develop and implement a QIP in the event of a determination of a need for improved monitoring pursuant to §64.7. §64.8 also identifies the minimum elements required in the QIP, and requires that the facility implement the QIP as expeditiously as possible, with implementation not exceeding 180 days after the date that the need for implementation was identified unless the permitting authority is notified.

The following condition will be included on the ATC permit to ensure compliance with this section:

- If the District or EPA determine that a Quality Improvement Plan is required under 40 CFR 64.7(d)(2), the permittee shall develop and implement the Quality Improvement Plan in accordance with 40 CFR part 64.8. [40 CFR 64]

<u>§64.9 - Reporting and Recordkeeping Requirements</u>

This section stipulates the minimum reporting and recordkeeping requirements for facilities subject to 40 CFR 64.

The following condition will be included on the ATC permit to ensure compliance with this section:

- The permittee shall comply with the record keeping and reporting requirements of 40 CFR part 64.9. [40 CFR Part 64.9]

§64.10 - Savings Provisions

This section states that the purpose of 40 CFR 64 is to require, as a part of the issuance of a Title V permit, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of 40 CFR 64. In addition, §64.10 states that nothing in 40 CFR 64 shall excuse an owner or operator from any other requirements of federal, state or local law or restrict or abrogate the authority of the Administrator or of the permitting authority.

District Rules 4101, 4102, 4201, 4301, 4304, 4305, 4306, 4320, 4351 and 4801

This project will not result in any additions, changes or modifications to this boiler and there will be no increase in emissions from this project. Therefore, the compliance review for these District Rules as demonstrated in District projects N-1093350 and N-1060194 stated that this emissions unit will be in compliance with the requirements of these rules and is still applicable. No further discussion is required.

California Health & Safety Code 41700 (Health Risk Analysis)

As demonstrated above, there are no increases in emissions associated with this project; therefore there is no increase in health risk. Therefore, a new health risk assessment is not necessary for this facility and project and no further discussion is required.

District California Environmental Quality Act (CEQA) Findings

The California Environmental Quality Act (CEQA) requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The San Joaquin Valley Unified Air Pollution Control District (District) adopted its *Environmental Review Guidelines* (ERG) in 2001. The basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

The District is the Lead Agency for this project because there is no other agency with broader statutory authority over this project. The District performed an Engineering Evaluation (this document) for the proposed project and determined that the activity will occur at an existing facility and the project involves negligible expansion of the existing

use. Furthermore, the District determined that the activity will not have a significant effect on the environment. The District finds that the activity is categorically exempt from the provisions of CEQA pursuant to CEQA Guideline § 15031 (Existing Facilities), and finds that the project is exempt per the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines §15061(b)(3)).

Greenhouse Gas (GHG) Significance Determination

It is determined that no other agency has or will prepare an environmental review document for the project. Thus the District is the Lead Agency for this project

There is not a proposed increase in natural gas fuel usage; therefore this project will not result in an increase in project specific greenhouse gas emissions. The District therefore concludes that the project would have a less than cumulatively significant impact on global climate change.

IX. RECOMMENDATION:

Compliance with all applicable rules and regulations is expected. Pending a successful COC Noticing period, issue Authority to Construct N-1237-4-13 subject to the permit conditions on the attached draft Authority to Construct in Attachment A.

X. BILLING INFORMATION:

Permit Number	Fee Schedule	Fee Description	Annual Fee
N-1237-4-13	3020-02-H	150 MMBtu/hr	$1,030

Appendices:

Appendix A: Authority to Construct N-1237-4-13
Appendix B: Current Permit to Operate N-1237-4-11 and Authority to Construct N-1237-4-12
Appendix C: 40 CFR Part 64

Attachment A

Authority to Construct permit N-1237-4-13

San Joaquin Valley
Air Pollution Control District

AUTHORITY TO CONSTRUCT

DRAFT

PERMIT NO: N-1237-4-13

ISSUANCE DATE: DRAFT

LEGAL OWNER OR OPERATOR: E & J GALLO WINERY
MAILING ADDRESS: 18000 W RIVER RD
LIVINGSTON, CA 95334

LOCATION: 18000 W RIVER RD
LIVINGSTON, CA 95334

EQUIPMENT DESCRIPTION:
MODIFICATION OF 150 MMBTU/HR MURRAY MODEL MSF5-99 NATURAL GAS-FIRED BOILER WITH A TODD COMBUSTION MODEL SV750FGX LOW NOX BURNER, FLUE GAS RECIRCULATION AND A CRI COMPANY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM: INSTALL NOX AND O2 IN-LINE EMISSION MONITOR TO SATISFY THE CAM REQUIREMENTS OF 40 CFR 64

CONDITIONS

1. {1830} This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District NSR Rule] Federally Enforceable Through Title V Permit
2. {1831} Prior to operating with modifications authorized by this Authority to Construct, the facility shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4] Federally Enforceable Through Title V Permit
3. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District Rule 2201] Federally Enforceable Through Title V Permit
4. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
5. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
6. Particulate matter emissions shall not exceed 0.1 grain/dscf at operating conditions, nor 0.1 grain/dscf calculated to 12% CO2, nor 10 lb/hr. [District Rules 4201 and 4301, 5.1 and 5.2.3] Federally Enforceable Through Title V Permit
7. The emission control system shall be in operation and emissions shall be minimized insofar as technologically feasible during startup and shutdown. [District Rules 4305, 4306, and 4320]

CONDITIONS CONTINUE ON NEXT PAGE

YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT. This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCO

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DAVID WARNER, Director of Permit Services
N-1237-4-13 : Sep 15 2010 11:51AM -- CRUZF : Joint Inspection NOT Required

8. The unit shall only be fired on PUC-regulated natural gas. [District Rule 2201] Federally Enforceable Through Title V Permit

9. On and after July 1, 2010, the permittee shall submit an analysis showing the fuel's sulfur content at least once every year. Valid purchase contracts, supplier certifications, tariff sheets, or transportation contacts may be used to satisfy this requirement, provided they establish the fuel parameters mentioned above. [District Rule 4320]

10. Operator shall provide that fuel hhv be certified by third party fuel supplier or determined annually by ASTM D 1826 or D 1945 in conjunction with ASTM D 3588 for gaseous fuels. [District Rules 2520, 9.3.2, 4305, 4306, and 4320, 6.2.1]

11. Operator shall maintain copies of fuel invoices and supplier certifications. [District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit

12. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: Rule 407 (Merced). [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

13. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: SJVUAPCD Rule 1081, 4201, 4202, 4301 and 4305. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

14. The requirements of 40 CFR 60, subpart Db do not apply to this source. A permit shield is granted for this requirement. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

15. Except during start-up and shutdown, emissions from the exhaust of the SCR system serving this boiler shall not exceed any of the following limits: 7 ppmvd NOx @ 3% O2 or 0.008 lb-NOx/MMBtu; 0.00285 lb-SOx/MMBtu; 0.005 lb-PM10/MMBtu; 200 ppmvd CO @ 3% O2 or 0.148 lb-CO/MMBtu; or 0.0028 lb-VOC/MMBtu. [District NSR Rule and District Rules 4305, 4306, and 4320, 5.2.1]

16. During start-up and shutdown, emissions from the exhaust of the SCR system serving this boiler shall not exceed any of the following limits: 1.65 lb-NOx/hr; 0.00285 lb-SOx/MMBtu; 0.005 lb-PM10/MMBtu; 22.2 lb-CO/hr; or 0.0028 lb-VOC/MMBtu. [District Rules 2201, 4305, 4306, and 4320]

17. The total duration of start-up time shall not exceed 9.0 hours per day. [District Rules 2201, 4305, 4306, and 4320, 5.6]

18. The duration of startup time shall not exceed 6.0 hours per occurrence. [District Rules 2201, 4305, 4306, and 4320, 5.6]

19. The total duration of shutdown time shall not exceed 6.0 hours per day. [District Rules 2201, 4305, 4306, and 4320, 5.6]

20. The duration of shutdown time shall not exceed 3.0 hours per occurrence. [District Rules 2201, 4305, 4306, and 4320, 5.6]

21. The ammonia (NH3) emissions shall not exceed 10 ppmvd @ 3% O2 over a 15 minute averaging period. [District Rule 4102]

22. Source testing to measure NOx, CO, and NH3 emissions from this unit shall be conducted at least once every 12 months. After demonstrating compliance on two consecutive annual source tests, the unit shall be tested not less than once every 36 months. If the result of the 36-month source test demonstrates that the unit does not meet the applicable emission limits, the source testing frequency shall revert to at least once every 12 months. [District Rules 2201, 4102, 4305, 4306, and 4320 6.3.1]

23. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rules 1081] Federally Enforceable Through Title V Permit

24. The source test plan shall identify which fuel the source test is going to be performed on and the basis (ppmv or lb/MMBtu) that will be used to demonstrate compliance. [District Rules 4305, 4306, and 4320]

25. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-ignition as defined in Section 3.0 of District Rule 4320. [District Rules 4305, 4306, and 4320]

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CONDITIONS CONTINUE ON NEXT PAGE

26. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 4305, 4306, and 4320, 5.8.5]

27. NOx emissions for source test purposes shall be determined using EPA Method 7E or ARB Method 100 on a ppmv basis, or EPA Method 19 on a heat input basis. [District Rules 4305, 4306, and 4320, 6.2]

28. CO emissions for source test purposes shall be determined using EPA Method 10 or ARB Method 100. [District Rules 4305, 4306, and 4320, 6.2]

29. Stack gas oxygen (O2) shall be determined using EPA Method 3 or 3A or ARB Method 100. [District Rules 4305, 4306, and 4320, 6.2]

30. Source testing for ammonia slip shall be conducted utilizing BAAQMD Method ST-1B. [District Rule 4102]

31. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
Federally Enforceable Through Title V Permit

32. The permittee shall monitor and record the stack concentration of NOx, CO, NH3, and O2 at least once during each month in which source testing is not performed. NOx, CO, and O2 monitoring shall be conducted utilizing a portable analyzer that meets District specifications or District-approved monitoring equipment. NH3 monitoring shall be conducted utilizing Draeger tubes or a District approved equivalent method. Monitoring shall not be required if the unit is not in operation, i.e. the unit need not be started solely to perform monitoring. Monitoring shall be performed within 5 days of restarting the unit unless it has been performed within the last month. [District Rules 4102, 4305, 4306, and 4320]

33. If the NOx, CO, or NH3 concentrations, as measured by the portable analyzer or the District approved ammonia monitoring equipment, exceed the permitted levels the permittee shall return the emissions to compliant levels as soon as possible, but no longer than 1 hour of operation after detection. If the portable analyzer continues to show emission limit violations after 1 hour of operation following detection, the permittee shall notify the District within the following 1 hour and conduct a certified source test within 60 days of the first exceedance. In lieu of conducting a source test, the permittee may stipulate a violation that is subject to enforcement action has occurred. The permittee must then correct the violation, show compliance has been re-established, and resume monitoring procedures. If the deviations are the result of a qualifying breakdown condition pursuant to Rule 1100, the permittee may fully comply with Rule 1100 in lieu of the performing the notification and testing required by this condition. [District Rules 4102, 4305, 4306, and 4320]

34. All NOx, CO, NH3, and O2 monitoring emissions readings shall be taken with the unit operating at conditions representative of normal operation or under the conditions specified in the Permit to Operate. The NOx, CO and O2 analyzer and NH3 emissions monitoring equipment shall be calibrated, maintained, and operated in accordance with the manufacturer's specifications and recommendations or a protocol approved by the APCO. Analyzer readings taken shall be averaged over a 15 consecutive-minute period by either taking a cumulative 15 consecutive-minute sample reading or by taking at least five readings, evenly spaced out over the 15 consecutive-minute period. [District Rules 4102, 4305, 4306, and 4320]

35. Ammonia emission readings shall be conducted at the time the NOx, CO and O2 readings are taken. The readings shall be converted to ppmvd @ 3% O2. [District Rule 4102]

36. The permittee shall maintain records of: (1) the date and time of NOx, CO, NH3, and O2 measurements, (2) the O2 concentration in percent by volume and the measured NOx, CO, and NH3 concentrations corrected to 3% O2, (3) make and model of the portable analyzer(s), (4) portable analyzer calibration records, (5) the method of determining the NH3 emission concentration, and (6) a description of any corrective action taken to maintain the emissions at or below the acceptable levels. [District Rules 4102, 4305, 4306, and 4320]

37. The permittee shall maintain daily records of start-up and shutdown durations and number of occurrences of each start-up and shutdown. [District Rules 2201 1070, 2201, 4305, 4306, and 4320]

38. The permittee shall take readings of the NOx and O2 concentration in percent by volume using the in-stack monitoring system at least once per each day that the boiler operates. [District Rule 2201 and 40 CFR Part 64.9]

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CONDITIONS CONTINUE ON NEXT PAGE

39. During times when the in-stack monitoring system is down for maintenance or repairs, the permittee shall use a District approved portable analyzer to record daily NOx and O2 concentrations. The permittee shall maintain records of the portable analyzer readings including the date(s) and reason the in-stack monitoring system was not operating. [District Rule 2201 and 40 CFR Part 64]

40. The permittee shall maintain daily records of the NOx and O2 concentration from the in-stack monitoring system. These records shall be made available for District inspection upon request. [District Rule 2201 and 40 CFR Part 64]

41. The permittee shall compare the NOx and O2 concentrations from the in-stack monitoring system with the concentration of NOx and O2 readings from calibration gas cylinders for NOx and O2 at least once during each month that the boiler operates. The permittee shall maintain these comparison readings and these records shall be available for District inspection upon request. [District Rule 2201 and 40 CFR Part 64]

42. If the NOx or O2 concentrations, as measured by the in-stack monitoring system, exceed the permitted levels the permittee shall return the emissions to compliant levels as soon as possible, but no longer than 1 hour of operation after detection. If the in-stack monitoring system continues to show emission limit violations after 1 hour of operation following detection, the permittee shall notify the District within the following 1 hour and conduct a certified source test within 60 days of the first exceedance. In lieu of conducting a source test, the permittee may stipulate a violation that is subject to enforcement action has occurred. The permittee must then correct the violation, show compliance has been re-established, and resume monitoring procedures. If the deviations are the result of a qualifying breakdown condition pursuant to Rule 1100, the permittee may fully comply with Rule 1100 in lieu of the performing the notification and testing required by this condition. [District Rules 4102, 4305, 4306, and 4320]

43. The permittee shall comply with the compliance assurance monitoring operation and maintenance requirements of 40 CFR part 64.7. [40 CFR Part 64.7] Federally Enforceable Through Title V Permit

44. If the District or EPA determine that a Quality Improvement Plan is required under 40 CFR 64.7(d)(2), the permittee shall develop and implement the Quality Improvement Plan in accordance with 40 CFR Part 64.8. [40 CFR Part 64.8] Federally Enforceable Through Title V Permit

45. The permittee shall comply with the record keeping and reporting requirements of 40 CFR part 64.9. [40 CFR Part 64.9] Federally Enforceable Through Title V Permit

46. All records shall be maintained and retained on-site for a minimum of five years, and shall be made available for District inspection upon request. [District Rules 1070, 4305, 4306, and 4320, 6.1]

47. Authority to Construct N-1237-4-12 shall be implemented prior to or concurrently when this Authority to Construct is implemented into a Permit to Operate. [District Rule 2201]

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Appendix B

Current Permit to Operate N-1237-4-11 and
Authority to Construct N-1237-4-12

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

AUTHORITY TO CONSTRUCT

PERMIT NO: N-1237-4-12 **ISSUANCE DATE:** 12/16/2009

LEGAL OWNER OR OPERATOR: E & J GALLO WINERY
MAILING ADDRESS: 18000 W RIVER RD
LIVINGSTON, CA 95334

LOCATION: 18000 W RIVER RD
LIVINGSTON, CA 95334

EQUIPMENT DESCRIPTION:
MODIFICATION OF THE 150 MMBTU/HR MURRAY MODEL MSF5-99 NATURAL GAS-FIRED BOILER WITH A TODD COMBUSTION MODEL SV750FGX LOW NOX BURNER, FLUE GAS RECIRCULATION AND A CRI COMPANY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM TO REDUCE NOX EMISSION CONCENTRATIONS TO 7.0 PPMVD @ 3% O2 FOR RULE 4320 COMPLIANCE

CONDITIONS

1. This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District NSR Rule] Federally Enforceable Through Title V Permit
2. Prior to operating with modifications authorized by this Authority to Construct, the facility shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4] Federally Enforceable Through Title V Permit
3. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District Rule 2201] Federally Enforceable Through Title V Permit
4. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
5. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
6. Particulate matter emissions shall not exceed 0.1 grain/dscf at operating conditions, nor 0.1 grain/dscf calculated to 12% CO2, nor 10 lb/hr. [District Rules 4201 and 4301, 5.1 and 5.2.3] Federally Enforceable Through Title V Permit
7. The emission control system shall be in operation and emissions shall be minimized insofar as technologically feasible during startup and shutdown. [District Rules 4305, 4306, and 4320]

CONDITIONS CONTINUE ON NEXT PAGE

YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT: This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCO

DAVID WARNER, Director of Permit Services
N-1237-4-12 : Dec 18 2009 2:38PM -- DYERR : Joint Inspection NOT Required

Printed on recycled paper.

8. The unit shall only be fired on PUC-regulated natural gas. [District Rule 2201] Federally Enforceable Through Title V Permit

9. On and after July 1, 2010, the permittee shall submit an analysis showing the fuel's sulfur content at least once every year. Valid purchase contracts, supplier certifications, tariff sheets, or transportation contacts may be used to satisfy this requirement, provided they establish the fuel parameters mentioned above. [District Rule 4320]

10. Operator shall provide that fuel hhv be certified by third party fuel supplier or determined annually by ASTM D 1826 or D 1945 in conjunction with ASTM D 3588 for gaseous fuels. [District Rules 2520, 9.3.2, 4305, 4306, and 4320, 6.2.1]

11. Operator shall maintain copies of fuel invoices and supplier certifications. [District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit

12. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: Rule 407 (Merced). [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

13. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: SJVUAPCD Rule 1081, 4201, 4202, 4301 and 4305. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

14. The requirements of 40 CFR 60, subpart Db do not apply to this source. A permit shield is granted for this requirement. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

15. Except during start-up and shutdown, emissions from the exhaust of the SCR system serving this boiler shall not exceed any of the following limits: 7 ppmvd NOx @ 3% O2 or 0.008 lb-NOx/MMBtu; 0.00285 lb-SOx/MMBtu; 0.005 lb-PM10/MMBtu; 200 ppmvd CO @ 3% O2 or 0.148 lb-CO/MMBtu; or 0.0028 lb-VOC/MMBtu. [District NSR Rule and District Rules 4305, 4306, and 4320, 5.2.1]

16. During start-up and shutdown, emissions from the exhaust of the SCR system serving this boiler shall not exceed any of the following limits: 1.65 lb-NOx/hr; 0.00285 lb-SOx/MMBtu; 0.005 lb-PM10/MMBtu; 22.2 lb-CO/hr; or 0.0028 lb-VOC/MMBtu. [District Rules 2201, 4305, 4306, and 4320]

17. The total duration of start-up time shall not exceed 9.0 hours per day. [District Rules 2201, 4305, 4306, and 4320, 5.6]

18. The duration of startup time shall not exceed 6.0 hours per occurrence. [District Rules 2201, 4305, 4306, and 4320, 5.6]

19. The total duration of shutdown time shall not exceed 6.0 hours per day. [District Rules 2201, 4305, 4306, and 4320, 5.6]

20. The duration of shutdown time shall not exceed 3.0 hours per occurrence. [District Rules 2201, 4305, 4306, and 4320, 5.6]

21. The ammonia (NH3) emissions shall not exceed 10 ppmvd @ 3% O2 over a 15 minute averaging period. [District Rule 4102]

22. Source testing to measure NOx, CO, and NH3 emissions from this unit shall be conducted at least once every 12 months. After demonstrating compliance on two consecutive annual source tests, the unit shall be tested not less than once every 36 months. If the result of the 36-month source test demonstrates that the unit does not meet the applicable emission limits, the source testing frequency shall revert to at least once every 12 months. [District Rules 2201, 4102, 4305, 4306, and 4320 6.3.1]

23. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rules 1081] Federally Enforceable Through Title V Permit

24. The source test plan shall identify which fuel the source test is going to be performed on and the basis (ppmv or lb/MMBtu) that will be used to demonstrate compliance. [District Rules 4305, 4306, and 4320]

25. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-ignition as defined in Section 3.0 of District Rule 4320. [District Rules 4305, 4306, and 4320]

CONDITIONS CONTINUE ON NEXT PAGE

26. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 4305, 4306, and 4320, 5.8.5]

27. NOx emissions for source test purposes shall be determined using EPA Method 7E or ARB Method 100 on a ppmv basis, or EPA Method 19 on a heat input basis. [District Rules 4305, 4306, and 4320, 6.2]

28. CO emissions for source test purposes shall be determined using EPA Method 10 or ARB Method 100. [District Rules 4305, 4306, and 4320, 6.2]

29. Stack gas oxygen (O2) shall be determined using EPA Method 3 or 3A or ARB Method 100. [District Rules 4305, 4306, and 4320, 6.2]

30. Source testing for ammonia slip shall be conducted utilizing BAAQMD Method ST-1B. [District Rule 4102]

31. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit

32. The permittee shall monitor and record the stack concentration of NOx, CO, NH3, and O2 at least once during each month in which source testing is not performed. NOx, CO, and O2 monitoring shall be conducted utilizing a portable analyzer that meets District specifications or District-approved monitoring equipment. NH3 monitoring shall be conducted utilizing Draeger tubes or a District approved equivalent method. Monitoring shall not be required if the unit is not in operation, i.e. the unit need not be started solely to perform monitoring. Monitoring shall be performed within 5 days of restarting the unit unless it has been performed within the last month. [District Rules 4102, 4305, 4306, and 4320]

33. If the NOx, CO, or NH3 concentrations, as measured by the portable analyzer or the District approved ammonia monitoring equipment, exceed the permitted levels the permittee shall return the emissions to compliant levels as soon as possible, but no longer than 1 hour of operation after detection. If the portable analyzer continues to show emission limit violations after 1 hour of operation following detection, the permittee shall notify the District within the following 1 hour and conduct a certified source test within 60 days of the first exceedence. In lieu of conducting a source test, the permittee may stipulate a violation that is subject to enforcement action has occurred. The permittee must then correct the violation, show compliance has been re-established, and resume monitoring procedures. If the deviations are the result of a qualifying breakdown condition pursuant to Rule 1100, the permittee may fully comply with Rule 1100 in lieu of the performing the notification and testing required by this condition. [District Rules 4102, 4305, 4306, and 4320]

34. All NOx, CO, NH3, and O2 monitoring emissions readings shall be taken with the unit operating at conditions representative of normal operation or under the conditions specified in the Permit to Operate. The NOx, CO and O2 analyzer and NH3 emissions monitoring equipment shall be calibrated, maintained, and operated in accordance with the manufacturer's specifications and recommendations or a protocol approved by the APCO. Analyzer readings taken shall be averaged over a 15 consecutive-minute period by either taking a cumulative 15 consecutive-minute sample reading or by taking at least five readings, evenly spaced out over the 15 consecutive-minute period. [District Rules 4102, 4305, 4306, and 4320]

35. Ammonia emission readings shall be conducted at the time the NOx, CO and O2 readings are taken. The readings shall be converted to ppmvd @ 3% O2. [District Rule 4102]

36. The permittee shall maintain records of: (1) the date and time of NOx, CO, NH3, and O2 measurements, (2) the O2 concentration in percent by volume and the measured NOx, CO, and NH3 concentrations corrected to 3% O2, (3) make and model of the portable analyzer(s), (4) portable analyzer calibration records, (5) the method of determining the NH3 emission concentration, and (6) a description of any corrective action taken to maintain the emissions at or below the acceptable levels. [District Rules 4102, 4305, 4306, and 4320]

37. The permittee shall maintain daily records of start-up and shutdown durations and number of occurrences of each start-up and shutdown. [District Rules 2201 1070, 2201, 4305, 4306, and 4320]

38. All records shall be maintained and retained on-site for a minimum of 5 years, and shall be made available for District inspection upon request. [District Rules 1070, 4305, 4306, and 4320, 6.1]

San Joaquin Valley
Air Pollution Control District

PERMIT UNIT: N-1237-4-11 **EXPIRATION DATE:** 09/30/2005

EQUIPMENT DESCRIPTION:
150 MMBTU/HR MURRAY MODEL MSF5-99 NATURAL GAS-FIRED BOILER WITH A TODD COMBUSTION MODEL SV750FGX LOW NOX BURNER, FLUE GAS RECIRCULATION AND A CRI COMPANY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM

PERMIT UNIT REQUIREMENTS

1. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District NSR Rule] Federally Enforceable Through Title V Permit
2. Particulate matter emissions shall not exceed 0.1 grain/dscf at operating conditions, nor 0.1 grain/dscf calculated to 12% CO2, nor 10 lb/hr. [District Rules 4201 and 4301, 5.1 and 5.2.3] Federally Enforceable Through Title V Permit
3. The emission control system shall be in operation and emissions shall be minimized insofar as technologically feasible during startup and shutdown. [District Rules 4305 and 4306] Federally Enforceable Through Title V Permit
4. The unit shall only be fired on PUC-regulated natural gas. [District NSR Rule] Federally Enforceable Through Title V Permit
5. Operator shall provide that fuel hhv be certified by third party fuel supplier or determined annually by ASTM D 1826 or D 1945 in conjunction with ASTM D 3588 for gaseous fuels. [District Rules 2520, 9.3.2, 4305, 6.2.1 and 4306, 6.2.1] Federally Enforceable Through Title V Permit
6. Operator shall maintain copies of fuel invoices and supplier certifications. [District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit
7. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: Rule 407 (Merced). [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
8. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: SJVUAPCD Rule 1081, 4201, 4202, 4301 and 4305. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
9. The requirements of 40 CFR 60, subpart Db do not apply to this source. A permit shield is granted for this requirement. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
10. Except during start-up and shutdown, emissions from the exhaust of the SCR system serving this boiler shall not exceed any of the following limits: 9 ppmvd NOx @ 3% O2 or 0.011 lb-NOx/MMBtu; 0.00285 lb-SOx/MMBtu; 0.005 lb-PM10/MMBtu; 200 ppmvd CO @ 3% O2 or 0.148 lb-CO/MMBtu; or 0.0028 lb-VOC/MMBtu. [District NSR Rule and District Rules 4305, and 4306, 5.1] Federally Enforceable Through Title V Permit
11. During start-up and shutdown, emissions from the exhaust of the SCR system serving this boiler shall not exceed any of the following limits: 1.65 lb-NOx/hr; 0.00285 lb-SOx/MMBtu; 0.005 lb-PM10/MMBtu; 22.2 lb-CO/hr; or 0.0028 lb-VOC/MMBtu. [District NSR Rule and District Rules 4305 and 4306] Federally Enforceable Through Title V Permit
12. The total duration of start-up time shall not exceed 9.0 hours per day. [District NSR Rule and District Rules 4305 and 4306, 5.3.3] Federally Enforceable Through Title V Permit
13. The total duration of startup time shall not exceed 6.0 hours per occurrence. [District NSR Rule and District Rules 4305, and 4306, 5.3.3] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

14. The total duration of shutdown time shall not exceed 6.0 hours per day. [District NSR Rule and District Rules 4305, and 4306, 5.3.3] Federally Enforceable Through Title V Permit

15. The total duration of shutdown time shall not exceed 3.0 hours per occurrence. [District NSR Rule and District Rules 4305, and 4306, 5.3.3] Federally Enforceable Through Title V Permit

16. The ammonia (NH3) emissions shall not exceed 10 ppmvd @ 3% O2 over a 15 minute averaging period. [District Rule 4102]

17. Source testing to measure NOx and CO emissions from this unit while fired on natural gas shall be conducted at least once every twelve (12) months. After demonstrating compliance on two (2) consecutive annual source tests, the unit shall be tested not less than once every thirty-six (36) months. If the result of the 36-month source test demonstrates that the unit does not meet the applicable emission limits, the source testing frequency shall revert to at least once every twelve (12) months. [District NSR Rule and District Rules 4102, 4305 and 4306] Federally Enforceable Through Title V Permit

18. Source testing to measure NH3 emissions from this unit while fired on natural gas shall be conducted at least once every twelve (12) months. After demonstrating compliance on two (2) consecutive annual source tests, the unit shall be tested not less than once every thirty-six (36) months. If the result of the 36-month source test demonstrates that the unit does not meet the applicable emission limits, the source testing frequency shall revert to at least once every twelve (12) months. [District Rule 4102]

19. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rules 1081] Federally Enforceable Through Title V Permit

20. The source test plan shall identify which fuel the source test is going to be performed on and the basis (ppmv or lb/MMBtu) that will be used to demonstrate compliance. [District Rules 4305 and 4306] Federally Enforceable Through Title V Permit

21. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-ignition as defined in Section 3.0 of District Rule 4306. [District Rules 4305 and 4306] Federally Enforceable Through Title V Permit

22. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 4305 and 4306, 5.5.5] Federally Enforceable Through Title V Permit

23. NOx emissions for source test purposes shall be determined using EPA Method 7E or ARB Method 100 on a ppmv basis, or EPA Method 19 on a heat input basis. [District Rules 4305 and 4306, 6.2] Federally Enforceable Through Title V Permit

24. CO emissions for source test purposes shall be determined using EPA Method 10 or ARB Method 100. [District Rules 4305 and 4306, 6.2] Federally Enforceable Through Title V Permit

25. Stack gas oxygen (O2) shall be determined using EPA Method 3 or 3A or ARB Method 100. [District Rules 4305 and 4306, 6.2] Federally Enforceable Through Title V Permit

26. Source testing for ammonia slip shall be conducted utilizing BAAQMD Method ST-1B. [District Rule 4102]

27. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit

28. The permittee shall monitor and record the stack concentration of NOx, CO and O2 at least once during each month in which source testing is not performed. NOx, CO and O2 monitoring shall be conducted utilizing a portable analyzer that meets District specifications. Monitoring shall not be required if the unit is not in operation, i.e. the unit need not be started solely to perform monitoring. Monitoring shall be performed within 5 days of restarting the unit unless it has been performed within the last month. [District Rules 4305 and 4306] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

29. If the NOx or CO concentrations, as measured by the portable analyzer or the District approved ammonia monitoring equipment, exceed the permitted levels the permittee shall return the emissions to compliant levels as soon as possible, but no longer than 1 hour of operation after detection. If the portable analyzer continues to show emission limit violations after 1 hour of operation following detection, the permittee shall notify the District within the following 1 hour and conduct a certified source test within 60 days of the first exceedence. In lieu of conducting a source test, the permittee may stipulate a violation that is subject to enforcement action has occurred. The permittee must then correct the violation, show compliance has been re-established, and resume monitoring procedures. If the deviations are the result of a qualifying breakdown condition pursuant to Rule 1100, the permittee may fully comply with Rule 1100 in lieu of the performing the notification and testing required by this condition. [District Rules 4305 and 4306] Federally Enforceable Through Title V Permit

30. The permittee shall monitor and record the stack concentration of NH3 at least once during each month in which source testing is not performed. NH3 monitoring shall be conducted utilizing Draeger tubes or a District approved equivalent method. Monitoring shall not be required if the unit is not in operation, i.e. the unit need not be started solely to perform monitoring. Monitoring shall be performed within 5 days of restarting the unit unless it has been performed within the last month. [District Rule 4102]

31. If the NH3 concentrations, as measured by the portable analyzer or the District approved ammonia monitoring equipment, exceed the permitted levels the permittee shall return the emissions to compliant levels as soon as possible, but no longer than 1 hour of operation after detection. If the ammonia monitoring equipment continues to show emission limit violations after 1 hour of operation following detection, the permittee shall notify the District within the following 1 hour and conduct a certified source test within 60 days of the first exceedence. In lieu of conducting a source test, the permittee may stipulate a violation that is subject to enforcement action has occurred. The permittee must then correct the violation, show compliance has been re-established, and resume monitoring procedures. If the deviations are the result of a qualifying breakdown condition pursuant to Rule 1100, the permittee may fully comply with Rule 1100 in lieu of the performing the notification and testing required by this condition. [District Rule 4102]

32. All NOx, CO and O2 emission readings shall be taken with the unit operating at conditions representative of normal operation or under the conditions specified in the Permit to Operate. The NOx, CO and O2 analyzer shall be calibrated, maintained, and operated in accordance with the manufacturer's specifications and recommendations or a protocol approved by the APCO. Analyzer readings taken shall be averaged over a 15 consecutive-minute period by either taking a cumulative 15 consecutive-minute sample reading or by taking at least five readings, evenly spaced out over the 15 consecutive-minute period. [District Rules 4305 and 4306] Federally Enforceable Through Title V Permit

33. Ammonia emission readings shall be conducted at the time the NOx, CO and O2 readings are taken. The readings shall be converted to ppmvd @ 3% O2. [District Rule 4102]

34. NH3 emission readings shall be taken with the unit operating at conditions representative of normal operation or under the conditions specified in the Permit to Operate. The NH3 emission monitoring equipment shall be calibrated, maintained, and operated in accordance with the manufacturer's specifications and recommendations or a protocol approved by the APCO. Analyzer readings taken shall be averaged over a 15 consecutive-minute period by either taking a cumulative 15 consecutive-minute sample reading or by taking at least five readings, evenly spaced out over the 15 consecutive-minute period. [District Rule 4102]

35. The permittee shall maintain records of: (1) the date and time of NOx, CO, NH3 and O2 measurements, (2) the O2 concentration in percent by volume and the measured NOx, CO and NH3 concentrations corrected to 3% O2, (3) make and model of the portable analyzer, (4) portable analyzer calibration records, (5) the method of determining the NH3 emission concentration, and (6) a description of any corrective action taken to maintain the emissions at or below the acceptable levels. [District Rules 4305 and 4306] Federally Enforceable Through Title V Permit

36. The permittee shall maintain records of: (1) the date and time of NH3 measurements, (2) the NH3 concentrations corrected to 3% O2, (3) the method of determining the NH3 emission concentration, (4) the make and model of the portable analyzer if used, (5) portable analyzer calibration records if used, and (6) a description of any corrective action taken to maintain the emissions at or below the acceptable levels. [District Rule 4102]

37. The permittee shall maintain daily records of start-up and shutdown durations and number of occurrences of each. [District NSR Rule and District Rules 1070, 4305 and 4306] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

38. All records shall be maintained and retained on-site for a minimum of five (5) years, and shall be made available for District inspection upon request. [District Rules 1070, 4305, and 4306, 6.1] Federally Enforceable Through Title V Permit

Appendix C

40 CFR Part 64

Electronic Code of Federal Regulations
e-CFR TM

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PART 64—COMPLIANCE ASSURANCE MONITORING

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Authority: 42 U.S.C. 7414 and 7661–7661f.

Source: 62 FR 54940, Oct. 22, 1997, unless otherwise noted.

§ 64.1 Definitions.

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The following definitions apply to this part. Except as specifically provided in this section, terms used in this part retain the meaning accorded them under the applicable provisions of the Act.

Act means the Clean Air Act, as amended by Pub.L. 101–549, 42 U.S.C. 7401, *et seq.*

Applicable requirement shall have the same meaning as provided under part 70 of this chapter.

Capture system means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.

Continuous compliance determination method means a method, specified by the applicable standard or an applicable permit condition, which:

(1) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(2) Provides data either in units of the standard or correlated directly with the compliance limit.

Control device means equipment, other than inherent process equipment, that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices (such as carbon beds), condensers, scrubbers (such as wet collection and gas absorption devices), selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems (such as water, steam, ammonia, sorbent or limestone injection), and combustion devices independent of the particular process being conducted at an emissions unit (e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters). For purposes of this part, a control device does not include passive control measures that act to prevent pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular pollutant-specific emissions unit, then that definition shall be binding for purposes of this part.

Data means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

Emission limitation or standard means any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the Act. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions (e.g., pounds of SO_2per hour, pounds of SO_2per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO_2) or as the relationship of uncontrolled to controlled emissions (e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO_2). An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of this part, an emission limitation or standard shall not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, to operate and maintain sources in accordance with good air pollution control practices, to develop and maintain a malfunction abatement plan, to keep records, submit reports, or conduct monitoring.

Emissions unit shall have the same meaning as provided under part 70 of this chapter.

Exceedance shall mean a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

Excursion shall mean a departure from an indicator range established for monitoring under this part, consistent with any averaging period specified for averaging the results of the monitoring.

Inherent process equipment means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of this part, inherent process equipment is not considered a control device.

Major source shall have the same meaning as provided under part 70 or 71 of this chapter.

Monitoring means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Recordkeeping may be considered monitoring where such records are used to determine or assess compliance with an emission limitation or standard (such as records of raw material content and usage, or records documenting compliance with work practice requirements). The conduct of compliance method tests, such as the procedures in appendix A to part

60 of this chapter, on a routine periodic basis may be considered monitoring (or as a supplement to other monitoring), provided that requirements to conduct such tests on a one-time basis or at such times as a regulatory authority may require on a non-regular basis are not considered monitoring requirements for purposes of this paragraph. Monitoring may include one or more than one of the following data collection techniques, where appropriate for a particular circumstance:

(1) Continuous emission or opacity monitoring systems.

(2) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(3) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

(4) Maintenance and analysis of records of fuel or raw materials usage.

(5) Recording results of a program or protocol to conduct specific operation and maintenance procedures.

(6) Verification of emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(7) Visible emission observations.

(8) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

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

Part 70 or 71 permit shall have the same meaning as provided under part 70 or 71 of this chapter, provided that it shall also refer to a permit issued, renewed, amended, revised, or modified under any federal permit program promulgated under title V of the Act.

Part 70 or 71 permit application shall mean an application (including any supplement to a previously submitted application) that is submitted by the owner or operator in order to obtain a part 70 or 71 permit.

Permitting authority shall have the same meaning as provided under part 70 or 71 of this chapter.

Pollutant-specific emissions unit means an emissions unit considered separately with respect to each regulated air pollutant.

Potential to emit shall have the same meaning as provided under part 70 or 71 of this chapter, provided that it shall be applied with respect to an "emissions unit" as defined under this part in addition to a "stationary source" as provided under part 70 or 71 of this chapter.

Predictive emission monitoring system (PEMS) means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

Regulated air pollutant shall have the same meaning as provided under part 70 or 71 of this chapter.

§ 64.2 Applicability.

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(a) *General applicability.* Except for backup utility units that are exempt under paragraph (b)(2) of this section, the requirements of this part shall apply to a pollutant-specific emissions unit at a major source that is required to obtain a part 70 or 71 permit if the unit satisfies all of the following criteria:

(1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under paragraph (b)(1) of this section;

(2) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this paragraph, "potential pre-control device emissions" shall have the same meaning as "potential to emit," as defined in §64.1, except that emission reductions achieved by the applicable control device shall not be taken into account.

(b) *Exemptions* —(1) *Exempt emission limitations or standards.* The requirements of this part shall not apply to any of the following emission limitations or standards:

(i) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the Act.

(ii) Stratospheric ozone protection requirements under title VI of the Act.

(iii) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the Act.

(iv) Emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions within a source or between sources.

(v) An emissions cap that meets the requirements specified in §70.4(b)(12) or §71.6(a)(13)(iii) of this chapter.

(vi) Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1. The exemption provided in this paragraph (b)(1)(vi) shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test; in this example, this part would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage).

(2) *Exemption for backup utility power emissions units.* The requirements of this part shall not apply to a utility unit, as defined in §72.2 of this chapter, that is municipally-owned if the owner or operator provides documentation in a part 70 or 71 permit application that:

(i) The utility unit is exempt from all monitoring requirements in part 75 (including the appendices thereto) of this chapter;

(ii) The utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the part 70 or 71 permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and

(iii) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation (or such shorter time period that is available for units with fewer than three years of operation) are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

§ 64.3 Monitoring design criteria.

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(a) *General criteria.* To provide a reasonable assurance of compliance with emission limitations or

standards for the anticipated range of operations at a pollutant-specific emissions unit, monitoring under this part shall meet the following general criteria:

(1) The owner or operator shall design the monitoring to obtain data for one or more indicators of emission control performance for the control device, any associated capture system and, if necessary to satisfy paragraph (a)(2) of this section, processes at a pollutant-specific emissions unit. Indicators of performance may include, but are not limited to, direct or predicted emissions (including visible emissions or opacity), process and control device parameters that affect control device (and capture system) efficiency or emission rates, or recorded findings of inspection and maintenance activities conducted by the owner or operator.

(2) The owner or operator shall establish an appropriate range(s) or designated condition(s) for the selected indicator(s) such that operation within the ranges provides a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. Such range(s) or condition(s) shall reflect the proper operation and maintenance of the control device (and associated capture system), in accordance with applicable design properties, for minimizing emissions over the anticipated range of operating conditions at least to the level required to achieve compliance with the applicable requirements. The reasonable assurance of compliance will be assessed by maintaining performance within the indicator range(s) or designated condition(s). The ranges shall be established in accordance with the design and performance requirements in this section and documented in accordance with the requirements in §64.4. If necessary to assure that the control device and associated capture system can satisfy this criterion, the owner or operator shall monitor appropriate process operational parameters (such as total throughput where necessary to stay within the rated capacity for a control device). In addition, unless specifically stated otherwise by an applicable requirement, the owner or operator shall monitor indicators to detect any bypass of the control device (or capture system) to the atmosphere, if such bypass can occur based on the design of the pollutant-specific emissions unit.

(3) The design of indicator ranges or designated conditions may be:

(i) Based on a single maximum or minimum value if appropriate (e.g., maintaining condenser temperatures a certain number of degrees below the condensation temperature of the applicable compound(s) being processed) or at multiple levels that are relevant to distinctly different operating conditions (e.g., high versus low load levels).

(ii) Expressed as a function of process variables (e.g., an indicator range expressed as minimum to maximum pressure drop across a venturi throat in a particulate control scrubber).

(iii) Expressed as maintaining the applicable parameter in a particular operational status or designated condition (e.g., position of a damper controlling gas flow to the atmosphere through a by-pass duct).

(iv) Established as interdependent between more than one indicator.

(b) *Performance criteria.* The owner or operator shall design the monitoring to meet the following performance criteria:

(1) Specifications that provide for obtaining data that are representative of the emissions or parameters being monitored (such as detector location and installation specifications, if applicable).

(2) For new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under this part as specified in §64.7(a). The owner or operator shall consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation.

(3) Quality assurance and control practices that are adequate to ensure the continuing validity of the data. The owner or operator shall consider manufacturer recommendations or requirements applicable to the monitoring in developing appropriate quality assurance and control practices.

(4) Specifications for the frequency of conducting the monitoring, the data collection procedures that will be used (e.g., computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred.

(i) At a minimum, the owner or operator shall design the period over which data are obtained and, if

applicable, averaged consistent with the characteristics and typical variability of the pollutant-specific emissions unit (including the control device and associated capture system). Such intervals shall be commensurate with the time period over which a change in control device performance that would require actions by owner or operator to return operations within normal ranges or designated conditions is likely to be observed.

(ii) For all pollutant-specific emissions units with the potential to emit, calculated *including* the effect of control devices, the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, for each parameter monitored, the owner or operator shall collect four or more data values equally spaced over each hour and average the values, as applicable, over the applicable averaging period as determined in accordance with paragraph (b)(4)(i) of this section. The permitting authority may approve a reduced data collection frequency, if appropriate, based on information presented by the owner or operator concerning the data collection mechanisms available for a particular parameter for the particular pollutant-specific emissions unit (e.g., integrated raw material or fuel analysis data, noninstrumental measurement of waste feed rate or visible emissions, use of a portable analyzer or an alarm sensor).

(iii) For other pollutant-specific emissions units, the frequency of data collection may be less than the frequency specified in paragraph (b)(4)(ii) of this section but the monitoring shall include some data collection at least once per 24-hour period (e.g., a daily inspection of a carbon adsorber operation in conjunction with a weekly or monthly check of emissions with a portable analyzer).

(c) *Evaluation factors.* In designing monitoring to meet the requirements in paragraphs (a) and (b) of this section, the owner or operator shall take into account site-specific factors including the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.

(d) *Special criteria for the use of continuous emission, opacity or predictive monitoring systems.* (1) If a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS) or predictive emission monitoring system (PEMS) is required pursuant to other authority under the Act or state or local law, the owner or operator shall use such system to satisfy the requirements of this part.

(2) The use of a CEMS, COMS, or PEMS that satisfies any of the following monitoring requirements shall be deemed to satisfy the general design criteria in paragraphs (a) and (b) of this section, provided that a COMS may be subject to the criteria for establishing indicator ranges under paragraph (a) of this section:

(i) Section 51.214 and appendix P of part 51 of this chapter;

(ii) Section 60.13 and appendix B of part 60 of this chapter;

(iii) Section 63.8 and any applicable performance specifications required pursuant to the applicable subpart of part 63 of this chapter;

(iv) Part 75 of this chapter;

(v) Subpart H and appendix IX of part 266 of this chapter; or

(vi) If an applicable requirement does not otherwise require compliance with the requirements listed in the preceding paragraphs (d)(2)(i) through (v) of this section, comparable requirements and specifications established by the permitting authority.

(3) The owner or operator shall design the monitoring system subject to this paragraph (d) to:

(i) Allow for reporting of exceedances (or excursions if applicable to a COMS used to assure compliance with a particulate matter standard), consistent with any period for reporting of exceedances in an underlying requirement. If an underlying requirement does not contain a provision for establishing an averaging period for the reporting of exceedances or excursions, the criteria used to develop an averaging period in (b)(4) of this section shall apply; and

(ii) Provide an indicator range consistent with paragraph (a) of this section for a COMS used to assure compliance with a particulate matter standard. If an opacity standard applies to the pollutant-specific

emissions unit, such limit may be used as the appropriate indicator range unless the opacity limit fails to meet the criteria in paragraph (a) of this section after considering the type of control device and other site-specific factors applicable to the pollutant-specific emissions unit.

§ 64.4 Submittal requirements.

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(a) The owner or operator shall submit to the permitting authority monitoring that satisfies the design requirements in §64.3. The submission shall include the following information:

(1) The indicators to be monitored to satisfy §§64.3(a)(1)–(2);

(2) The ranges or designated conditions for such indicators, or the process by which such indicator ranges or designated conditions shall be established;

(3) The performance criteria for the monitoring to satisfy §64.3(b); and

(4) If applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to §64.3(d).

(b) As part of the information submitted, the owner or operator shall submit a justification for the proposed elements of the monitoring. If the performance specifications proposed to satisfy §64.3(b)(2) or (3) include differences from manufacturer recommendations, the owner or operator shall explain the reasons for the differences between the requirements proposed by the owner or operator and the manufacturer's recommendations or requirements. The owner or operator also shall submit any data supporting the justification, and may refer to generally available sources of information used to support the justification (such as generally available air pollution engineering manuals, or EPA or permitting authority publications on appropriate monitoring for various types of control devices or capture systems). To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable pollutant-specific emissions unit or a similar unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the assumption. Presumptively acceptable monitoring includes:

(1) Presumptively acceptable or required monitoring approaches, established by the permitting authority in a rule that constitutes part of the applicable implementation plan required pursuant to title I of the Act, that are designed to achieve compliance with this part for particular pollutant-specific emissions units;

(2) Continuous emission, opacity or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications as specified in §64.3(d);

(3) Excepted or alternative monitoring methods allowed or approved pursuant to part 75 of this chapter;

(4) Monitoring included for standards exempt from this part pursuant to §64.2(b)(1)(i) or (vi) to the extent such monitoring is applicable to the performance of the control device (and associated capture system) for the pollutant-specific emissions unit; and

(5) Presumptively acceptable monitoring identified in guidance by EPA. Such guidance will address the requirements under §§64.4(a), (b), and (c) to the extent practicable.

(c)(1) Except as provided in paragraph (d) of this section, the owner or operator shall submit control device (and process and capture system, if applicable) operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit. Such data may be supplemented, if desired, by engineering assessments and manufacturer's recommendations to justify the indicator ranges (or, if applicable, the procedures for establishing such indicator ranges). Emission testing is not required to be conducted over the entire indicator range or range of potential emissions.

(2) The owner or operator must document that no changes to the pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests were conducted.

(d) If existing data from unit-specific compliance or performance testing specified in paragraph (c) of this section are not available, the owner or operator:

(1) Shall submit a test plan and schedule for obtaining such data in accordance with paragraph (e) of this section; or

(2) May submit indicator ranges (or procedures for establishing indicator ranges) that rely on engineering assessments and other data, provided that the owner or operator demonstrates that factors specific to the type of monitoring, control device, or pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in §64.3 (a).

(e) If the monitoring submitted by the owner or operator requires installation, testing, or other necessary activities prior to use of the monitoring for purposes of this part, the owner or operator shall include an implementation plan and schedule for installing, testing and performing any other appropriate activities prior to use of the monitoring. The implementation plan and schedule shall provide for use of the monitoring as expeditiously as practicable after approval of the monitoring in the part 70 or 71 permit pursuant to §64.6, but in no case shall the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.

(f) If a control device is common to more than one pollutant-specific emissions unit, the owner or operator may submit monitoring for the control device and identify the pollutant-specific emissions units affected and any process or associated capture device conditions that must be maintained or monitored in accordance with §64.3(a) rather than submit separate monitoring for each pollutant-specific emissions unit.

(g) If a single pollutant-specific emissions unit is controlled by more than one control device similar in design and operation, the owner or operator may submit monitoring that applies to all the control devices and identify the control devices affected and any process or associated capture device conditions that must be maintained or monitored in accordance with §64.3(a) rather than submit a separate description of monitoring for each control device.

§ 64.5 Deadlines for submittals.

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(a) *Large pollutant-specific emissions units.* For all pollutant-specific emissions units with the potential to emit (taking into account control devices to the extent appropriate under the definition of this term in §64.1) the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator shall submit the information required under §64.4 at the following times:

(1) On or after April 20, 1998, the owner or operator shall submit information as part of an application for an initial part 70 or 71 permit if, by that date, the application either:

(i) Has not been filed; or

(ii) Has not yet been determined to be complete by the permitting authority.

(2) On or after April 20, 1998, the owner or operator shall submit information as part of an application for a significant permit revision under part 70 or 71 of this chapter, but only with respect to those pollutant-specific emissions units for which the proposed permit revision is applicable.

(3) The owner or operator shall submit any information not submitted under the deadlines set forth in paragraphs (a)(1) and (2) of this section as part of the application for the renewal of a part 70 or 71 permit.

(b) *Other pollutant-specific emissions units.* For all other pollutant-specific emissions units subject to this part and not subject to §64.5(a), the owner or operator shall submit the information required under §64.4 as part of an application for a renewal of a part 70 or 71 permit.

(c) The effective date for the requirement to submit information under §64.4 shall be as specified pursuant to paragraphs (a)–(b) of this section and a permit reopening to require the submittal of information under this section shall not be required pursuant to §70.7(f)(1)(i) of this chapter, provided, however, that, if a part 70 or 71 permit is reopened for cause by EPA or the permitting authority pursuant to §70.7(f)(1)(iii) or (iv), or §71.7(f) or (g), the applicable agency may require the submittal of information under this section for those pollutant-specific emissions units that are subject to this part and that are affected by the permit reopening.

(d) Prior to approval of monitoring that satisfies this part, the owner or operator is subject to the requirements of §70.6(a)(3)(i)(B).

§ 64.6 Approval of monitoring.

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(a) Based on an application that includes the information submitted in accordance with §64.5, the permitting authority shall act to approve the monitoring submitted by the owner or operator by confirming that the monitoring satisfies the requirements in §64.3.

(b) In approving monitoring under this section, the permitting authority may condition the approval on the owner or operator collecting additional data on the indicators to be monitored for a pollutant-specific emissions unit, including required compliance or performance testing, to confirm the ability of the monitoring to provide data that are sufficient to satisfy the requirements of this part and to confirm the appropriateness of an indicator range(s) or designated condition(s) proposed to satisfy §64.3(a)(2) and (3) and consistent with the schedule in §64.4(e).

(c) If the permitting authority approves the proposed monitoring, the permitting authority shall establish one or more permit terms or conditions that specify the required monitoring in accordance with §70.6(a)(3)(i) of this chapter. At a minimum, the permit shall specify:

(1) The approved monitoring approach that includes all of the following:

(i) The indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);

(ii) The means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and

(iii) The performance requirements established to satisfy §64.3(b) or (d), as applicable.

(2) The means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under §§64.7 and 64.8 of this part. The permit shall specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may either include the specific value(s) or condition(s) at which an excursion shall occur, or the specific procedures that will be used to establish that value or condition. If the latter, the permit shall specify appropriate notice procedures for the owner or operator to notify the permitting authority upon any establishment or reestablishment of the value.

(3) The obligation to conduct the monitoring and fulfill the other obligations specified in §§64.7 through 64.9 of this part.

(4) If appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.

(d) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the part 70 or 71 permit shall include an enforceable schedule with appropriate

milestones for completing such installation, testing, or final verification consistent with the requirements in §64.4(e).

(e) If the permitting authority disapproves the proposed monitoring, the following applies:

(1) The draft or final permit shall include, at a minimum, monitoring that satisfies the requirements of §70.6(a)(3)(i)(B);

(2) The permitting authority shall include in the draft or final permit a compliance schedule for the source owner to submit monitoring that satisfies §§64.3 and 64.4, but in no case shall the owner or operator submit revised monitoring more than 180 days from the date of issuance of the draft or final permit; and

(3) If the source owner or operator does not submit the monitoring in accordance with the compliance schedule as required in paragraph (e)(2) of this section or if the permitting authority disapproves the monitoring submitted, the source owner or operator shall be deemed not in compliance with part 64, unless the source owner or operator successfully challenges the disapproval.

§ 64.7 Operation of approved monitoring.

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(a) *Commencement of operation.* The owner or operator shall conduct the monitoring required under this part upon issuance of a part 70 or 71 permit that includes such monitoring, or by such later date specified in the permit pursuant to §64.6(d).

(b) *Proper maintenance.* At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

(c) *Continued operation.* Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(d) *Response to excursions or exceedances.* (1) Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

(2) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

(e) *Documentation of need for improved monitoring.* After approval of monitoring under this part, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the part 70 or 71 permit to

address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

§ 64.8 Quality improvement plan (QIP) requirements.

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(a) Based on the results of a determination made under §64.7(d)(2), the Administrator or the permitting authority may require the owner or operator to develop and implement a QIP. Consistent with §64.6(c)(3), the part 70 or 71 permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, for requiring the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

(b) Elements of a QIP:

(1) The owner or operator shall maintain a written QIP, if required, and have it available for inspection.

(2) The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

(i) Improved preventive maintenance practices.

(ii) Process operation changes.

(iii) Appropriate improvements to control methods.

(iv) Other steps appropriate to correct control performance.

(v) More frequent or improved monitoring (only in conjunction with one or more steps under paragraphs (b)(2)(i) through (iv) of this section).

(c) If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

(d) Following implementation of a QIP, upon any subsequent determination pursuant to §64.7(d)(2) the Administrator or the permitting authority may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

(1) Failed to address the cause of the control device performance problems; or

(2) Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(e) Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act.

§ 64.9 Reporting and recordkeeping requirements.

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(a) *General reporting requirements.* (1) On and after the date specified in §64.7(a) by which the owner or operator must use monitoring that meets the requirements of this part, the owner or operator shall submit monitoring reports to the permitting authority in accordance with §70.6(a)(3)(iii) of this chapter.

(2) A report for monitoring under this part shall include, at a minimum, the information required under §70.6(a)(3)(iii) of this chapter and the following information, as applicable:

(i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;

(ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

(iii) A description of the actions taken to implement a QIP during the reporting period as specified in §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

(b) *General recordkeeping requirements.* (1) The owner or operator shall comply with the recordkeeping requirements specified in §70.6(a)(3)(ii) of this chapter. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to §64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

(2) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

§ 64.10 Savings provisions.

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(a) Nothing in this part shall:

(1) Excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act. The requirements of this part shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the Act, including monitoring in permits issued pursuant to title I of the Act. The purpose of this part is to require, as part of the issuance of a permit under title V of the Act, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this part.

(2) Restrict or abrogate the authority of the Administrator or the permitting authority to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the Act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable.

(3) Restrict or abrogate the authority of the Administrator or permitting authority to take any enforcement action under the Act for any violation of an applicable requirement or of any person to take action under section 304 of the Act.

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