217/782-2113

TITLE V - CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT
and
TITLE I PERMIT[1]

PERMITTEE

Archer Daniels Midland Company
Attn: Ken Doellum
2100 Gardner Expressway
Quincy, Illinois 62305

Application No.: 96030065 I.D. No.: 001815AAF
Applicant's Designation: Date Received: March 6, 1996
Operation of: Soybean Oil Extraction and Vegetable Oil Refining
Date Issued: November 25, 2003 Expiration Date[2]: November 25, 2008
Source Location: 1900 Gardner Expressway, Quincy, Adams, IL 62306-0329
Responsible Official: Dennis Garceau/Vice President, Manufacturing and Technical Services

This permit is hereby granted to the above-designated Permittee to operate a facility that processes soybeans, pursuant to the above referenced permit application. This permit is subject to the conditions contained herein.

This permit is hereby granted to the above-designated Permittee to operate a soybean processing facility, which produces soybean oil and soybean meal and other products, pursuant to the above referenced permit application. This permit is subject to the conditions contained herein.

Revision Date Received: July 8, 2005
Revision Date Issued: August 22, 2005
Purpose of Revision: Administrative

This administrative amendment is being issued based on lowering emissions for fee purposes. Because the changes in the permit were only administrative, no formal public notice was issued.

This document only contains those portions of the entire CAAPP permit that have been revised as a result of this permitting action. If a conflict exists between this document and previous versions of the CAAPP permit, this document supercedes those terms and conditions of the permit for which the conflict exists. The previous permit issued November 25, 2003 is incorporated herein by reference.

Please attach a copy of this amendment and the following revised pages to the front of the most recently issued entire permit.

If you have any questions concerning this permit, please contact LeeAnne Kinsella at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:LAK:psj

cc: Illinois EPA, FOS, Region 2
USEPA

[1] This permit may contain terms and conditions which address the applicability, and compliance if determined applicable, of Title I of the CAA and regulations promulgated thereunder, including 40 CFR 52.21 - federal PSD and 35 IAC Part 203 - Major Stationary Sources Construction and Modification. Any such terms and conditions are identified within this permit.

[2] Except as provided in Condition 8.7 of this permit.

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1.0 SOURCE IDENTIFICATION

1.1 Source

Archer Daniels Midland Company
2100 Gardner Expressway
Quincy, Illinois 62305
217/221-0468

I.D. No.: 001815AAF
Standard Industrial Classification: 2075, Soybean Oil Mills

1.2 Owner/Parent Company

Archer Daniels Midland Company
4666 Faires Parkway
Decatur, Illinois 62525

1.3 Operator

Archer Daniels Midland Company
2100 Gardner Expressway
Quincy, Illinois 62305

Ken Doellman/Environmental Manager
217/221-0468

1.4 General Source Description

Archer Daniels Midland Company is located at 2100 Gardner Expressway, Quincy, Illinois 62305. The source owns and operates a soybean processing facility, which produces soybean oil and soybean meal and other products.

2.0 LIST OF ABBREVIATIONS/ACRONYMS USED IN THIS PERMIT

ACMA	Alternative Compliance Market Account
Act	Illinois Environmental Protection Act [415 ILCS 5/1 et seq.]
AP-42	Compilation of Air Pollutant Emission Factors, Volume 1, Stationary Point and Other Sources (and Supplements A through F), USEPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711
ATU	Allotment Trading Unit
BAT	Best Available Technology
Btu	British thermal unit
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAAPP	Clean Air Act Permit Program
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
ERMS	Emissions Reduction Market System
F	degrees Fahrenheit
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
IAC	Illinois Administrative Code
I.D. No.	Identification Number of Source, assigned by Illinois EPA
ILCS	Illinois Compiled Statutes
Illinois EPA	Illinois Environmental Protection Agency
K	degrees Kelvin
kpa	kilopascals
kg	kilogram
kW	kilowatts
LAER	Lowest Achievable Emission Rate
lb	pound
MACT	Maximum Achievable Control Technology
Mg	Megagram
mmBtu	Million British thermal units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by applicable test or monitoring methods
ppm	parts per million
psia	pounds per square inch absolute
PSD	Prevention of Significant Deterioration
RMP	Risk Management Plan
SO_2	Sulfur Dioxide
T	Ton

T1	Title I – identifies Title I conditions that have been carried over from an existing permit
T1N	Title I New – identifies Title I conditions that are being established in this permit
T1R	Title I Revised – identifies Title I conditions that have been carried over from an existing permit and subsequently revised in this permit
USEPA	United States Environmental Protection Agency
VOM	Volatile Organic Material
yr	year

3.0 INSIGNIFICANT ACTIVITIES

3.1 Identification of Insignificant Activities

The following activities at the source constitute insignificant activities as specified in 35 IAC 201.210:

3.1.1 Activities determined by the Illinois EPA to be insignificant activities, pursuant to 35 IAC 201.210(a)(1) and 201.211, as follows:

None

3.1.2 Activities that are insignificant activities based upon maximum emissions, pursuant to 35 IAC 201.210(a)(2) or (a)(3), as follows:

- Vegetable Oil Bleacher Trains
- Hydrogenation Vessels
- Winterizing Belt Filter
- Continuous Vegetable Oil Deodorizer
- Semi-Continuous Vegetable Oil Deodorizer
- Mobile Welding Units
- Margarine Tanks

3.1.3 Activities that are insignificant activities based upon their type or character, pursuant to 35 IAC 201.210(a)(4) through (18), as follows:

Equipment used for filling drums, pails, or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions [35 IAC 201.210(a)(8)].

Storage tanks of organic liquids with a capacity of less than 10,000 gallons and an annual throughput of less than 100,000 gallons per year, provided the storage tank is not used for the storage of gasoline or any material listed as a HAP pursuant to Section 112(b) of the CAA [35 IAC 201.210(a)(10)].

Storage tanks of any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils [35 IAC 201.210(a)(11)].

Gas turbines and stationary reciprocating internal combustion engines of between 112 kW and 1,118 kW (150 and 1,500 horsepower) power output that are emergency or standby units [35 IAC 201.210(a)(16)].

Storage tanks of any size containing exclusively soaps, detergents, surfactants, glycerin, waxes, vegetable oils, greases, animal fats, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials [35 IAC 201.210(a)(17)].

Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials, provided an organic solvent has not been mixed with such materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions [35 IAC 201.210(a)(18)].

3.1.4 Activities that are considered insignificant activities pursuant to 35 IAC 201.210(b).

3.2 Compliance with Applicable Requirements

Insignificant activities are subject to applicable requirements notwithstanding status as insignificant activities. In particular, in addition to regulations of general applicability, such as 35 IAC 212.301 and 212.123 (Condition 5.2.2), the Permittee shall comply with the following requirements, as applicable:

3.2.1 For each cold cleaning degreaser, the Permittee shall comply with the applicable equipment and operating requirements of 35 IAC 215.182, 218.182, or 219.182.

3.2.2 For each particulate matter process emission unit, the Permittee shall comply with the applicable particulate matter emission limit of 35 IAC 212.321 or 212.322. For example, the particulate matter emissions from a process emission unit shall not exceed 0.55 pounds per hour if the emission unit’s process weight rate is 100 pounds per hour or less, pursuant to 35 IAC 266.110.

3.2.3 For each organic material emission unit that uses organic material, e.g., a mixer or printing line, the Permittee shall comply with the applicable VOM emission limit of 35 IAC 215.301, 218.301, or 219.301, which requires that organic material emissions not exceed 8.0 pounds per hour or do not qualify as photochemically reactive material as defined in 35 IAC 211.4690.

3.3 Addition of Insignificant Activities

3.3.1 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type that is identified in Condition 3.1, until the renewal application for this permit is submitted, pursuant to 35 IAC 201.212(a).

3.3.2 The Permittee must notify the Illinois EPA of any proposed addition of a new insignificant activity of a type addressed by 35 IAC 201.210(a)and 201.211 other than those identified in Condition 3.1, pursuant to Section 39.5(12)(b) of the Act.

3.3.3 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type identified in 35 IAC 201.210(b).

4.0 SIGNIFICANT EMISSION UNITS AT THIS SOURCE

Emission Unit	Description	Date Constructed	Emission Control Equipment
EAST ELEVATOR RECEIVING, CLEANING, DRYING and STORAGE UNITS:			
EU-1001	East Elevator Truck Dump #1 with hopper truck dumping only	Unknown	Baghouse
EU-1002	East Elevator Truck Dump #2 with hopper truck dumping only	Unknown	Baghouse
EU-1003	Moorman Truck Dump with hopper truck dumping only	Unknown	Baghouse
EU-1004	Conveying to Grain Dryers	Unknown	Baghouse
EU-1005	West Hart Carter Dryer (Rated 17.5 mmBtu/Hr and uses Natural Gas Only)	Unknown	Cyclone
EU-1006	East Hart Carter Dryer (Rated 17.5 mmBtu/Hr and uses Natural Gas Only)	Unknown	Cyclone
EU-1007	Schanzer Dryer (Rated 24 mmBtu/Hr and uses Natural Gas Only)	Unknown	Cyclone
EU-1008	East Tunnel Conveying	Unknown	Baghouse
EU-1009	East Gallery Conveying/Storage	Unknown	Baghouse
EU-2001	Bean Cleaning	1996	Baghouse
WEST ELEVATOR RECEIVING, CLEANING, DRYING and STORAGE UNITS:			
EU-1010	West Elevator Truck Dump #3 with hopper truck dumping only	Unknown	Baghouse
EU-1011	West Tunnel Conveying	Unknown	Baghouse
EU-1012	West Gallery Conveying/Storage	Unknown	Baghouse
EU-3001	Bean Cleaning	Unknown	Baghouse
EU-3002	Escher-Wyss Dryer (Steam Heated)	1989	Baghouse
ANNEX RECEIVING, STORAGE and LOADOUT UNITS:			
EU-1013	Annex Truck Dump #4 with hopper truck dumping only	Unknown	Baghouse
EU-1014	Annex Rail Dump	Unknown	Baghouse
EU-1015	Annex Conveying	Unknown	Baghouse
EU-1016	Annex Storage Silos	Unknown	None
EU-1017	Annex Temporary Storage	Unknown	None
EU-1018	Annex Truck Loadout	Unknown	None
EAST PLANT GRAIN PREPARATION:			
EI-2002	Bean Cracking	1996	Baghouse
EU-2003	Bean Dehulling	1993	Baghouse
EU-2004	Bean Conditioning/Flaking Rolls/ and Expander	1967/1970/ and 1996	Cyclone
EU-2009	Hull Grinding	1970	Baghouse
WEST PLANT GRAIN PREPARATION:			
EU-3003	Bean Cracking/2 Dehulling Units	1988/1980 (Deh. #1), 1995 (Deh. #2)	Scrubber and Dust Filter

Emission Unit	Description	Date Constructed	Emission Control Equipment
EU-3004	Bean Flaking Rolls and Expander	1975 (Flakers 1-4, 6), 1980 (Flakers (5, 7-10)/ 1988 (Expanders)	Cyclone
EU-3005	Collet Coolers (#1 & #2)	1988	Cyclone
EU-3009	Hull Grinding (1-4)	1975 (Grinders 1 & 2) 1980 (Grinder 3& 4)	Dust Filter
EAST PLANT SOLVENT EXTRACTION:			
EU-2005	Extraction System that makes vegetable oil and defatted flakes	1996	Mineral Oil Scrubber
EU-2006	Desolventizer-Toaster-Dryer-Cooler (DTDC)	1996	Mineral Oil Scrubber
EU-2010	Hexane Tanks	Unknown	None
WEST PLANT SOLVENT EXTRACTION:			
EU-3006	Extraction System that makes vegetable oil and defatted flakes	1975	Mineral Oil Scrubber
EU-3007	Desolventizer-Toaster-Dryer-Cooler (DTDC)	2002	Mineral Oil Scrubber
EU-3015	Hexane Tanks	Unknown	None
EAST PLANT PELLET MILL and MEAL and LOAD-OUT HANDLING:			
EU-2007	Meal Sifting/ Grinding	1955/1996	Baghouse
EU-2008	Meal Rail Loadout	Unknown	Baghouse
WEST PLANT PELLET MILL and MEAL and LOAD-OUT HANDLING:			
EU-3008	Meal Sifters/ Pulverizers	1975, 1976 (1st Stage); 1980 (2nd Stage)	Dust Filter
EU-3010	Pellet Mill/Cooler	1994	Cyclone
EAST and WEST PLANTS PELLET MILL and MEAL and LOAD-OUT HANDLING:			
EU-3011	Meal/Millfeed Storage (East and West Plants)	Unknown	Baghouse
EU-3012	Truck Loadout (East and West Plants)	Unknown	Baghouse
EU-3013	Weigh Scale (East & West Plants)	Unknown	Baghouse
EU-3014	Filter Aid Receiving and Storage (Lecithin Plant)	1992	Baghouse
EAST and WEST PLANTS BARGE DOCKS:			
EU-4001	Barge Loadout Dock #1 (East and West Plants)	Unknown	Baghouse
EU-4002	Barge Loadout Dock #2 (East and West Plants)	Unknown	Baghouse
EU-4003	Barge Loadout Dock #3 (East and West Plants)	Unknown	Baghouse

Emission Unit	Description	Date Constructed	Emission Control Equipment
EU-4004	Barge Unloading Dock #3 (East and West Plants)	Unknown	None
EU-4005	Dock #3 Transfer Belt	Unknown	Baghouse
EU-4006	Barge Dock #1 Boiler (Rated 8.2 mmBtu/hr and uses only #2 fuel oil))	1993	None
COMBUSTION OPERATIONS:			
EU-5001	Coal Storage Pile	Unknown	None
EU-5002	Coal Transfer, Crushing, and Storage	Unknown	Baghouse
EU-5003	Boiler #1 used for production of steam. (Rated 124.5 mmBtu/Hr and uses coal only)	1983	Baghouse
EU-5004	Boiler #2 used for production of steam. (Rated 124.5 mmBtu/Hr and uses coal only)	1983	Baghouse
EU-5005	Ash Silo and Transfer System	1983	Baghouse
EU-5006	Ash Truck Loadout	Unknown	None
EU-5007	#1 Gas Boiler used for production of steam. (Rated 125 mmBtu/hr and uses natural gas, distillate fuel oil #2, or vegetable oil).	1966	None
EU-5008	#2 Gas Boiler used for production of steam. (Rated 125 mmBtu/hr and uses natural gas, distillate fuel oil #2, or vegetable oil).	1970	None
EU-5009	#3 Gas Boiler used for production of steam. (Rated 135 mmBtu/hr and uses natural gas, distillate fuel oil #2, or vegetable oil).	1980	None
EU-5010	Diesel Fire Pump #1 (Rated 151.34 #/hr and uses distillate fuel oil #2 only)	2002	None
EU-5011	Diesel Fire Pump #2 (Rated 151.34 #/hr and uses distillate fuel oil #2 only)	2002	None
REFINERY:			
EU-7001	Bleaching Clay Storage/Transfer	11/93	Bin Vent Filter
EU-7002	Diatomaceous Earth Transfer	Unknown	Bin Vent Filter
EU-7003	Trisyl Transfer	Unknown	Bin Vent Filter
EU-7004	Deodorization Boiler #1 (Rated 7.5 mmBtu/Hr and uses natural gas only)	3/94	None
EU-7005	Deodorization Boiler #2 (Rated 7.5 mmBtu/Hr and uses natural gas only)	3/94	None

Emission Unit	Description	Date Constructed	Emission Control Equipment
EU-7006	Hydrogen Plant: 2 Burners (Rated 8.5 mmBtu/hr-Natural Gas and 10.9 mmBtu/hr- Vent Gas)	2001	None

5.0 OVERALL SOURCE CONDITIONS

5.1 Source Description

5.1.1 This permit is issued based on the source requiring a CAAPP permit because the source is subject to a standard, limitation, or other requirement under Section 111 (NSPS) or Section 112 (HAPs) of the CAA for which USEPA requires a CAAPP permit, or because the source is in a source category designated by the USEPA, pursuant to 40 CFR 70.3(a)(2), (3), and (5) (40 CFR 70.3 Applicability) [Section 39.5(2)(a)(ii) and (iv) of the Act].

5.2 Applicable Regulations

5.2.1 Specific emission units at this source are subject to particular regulations as set forth in Section 7 (Unit-Specific Conditions) of this permit.

5.2.2 In addition, emission units at this source are subject to the following regulations of general applicability:

a. No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally overhead at a point beyond the property line of the source unless the wind speed is greater than 40.2 kilometers per hour (25 miles per hour), pursuant to 35 IAC 212.301 and 212.314.

Compliance with this requirement is considered to be assured by the inherent nature of operations at this source, as demonstrated by historical operation.

b. No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to the requirements of 35 IAC 212.122, pursuant to 35 IAC 212.123(a), except as allowed by 35 IAC 212.123(b) and 212.124.

5.2.3 Ozone Depleting Substances

The Permittee shall comply with the standards for recycling and emissions reduction of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners in Subpart B of 40 CFR Part 82:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

5.2.4 Risk Management Plan

Should this stationary source, as defined in 40 CFR Section 68.3, become subject to the Accidental Release Prevention regulations in 40 CFR Part 68, then the owner or operator shall submit [40 CFR 68.215(a)(2)(i) and (ii)]:

a. A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR 68.10(a); or

b. A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan (RMP), as part of the annual compliance certification required by 40 CFR Part 70 or 71.

5.2.5 a. Should this stationary source become subject to a regulation under 40 CFR Parts 60, 61, or 63, or 35 IAC after the date issued of this permit, then the owner or operator shall, in accordance with the applicable regulation(s), comply with the applicable requirements by the date(s) specified and shall certify compliance with the applicable requirements of such regulation(s) as part of the annual compliance certification, as required by 40 CFR Part 70 or 71.

b. No later than upon the submittal for renewal of this permit, the owner or operator shall submit, as part of an application, the necessary information to address either the non-applicability of, or demonstrate compliance with all applicable requirements of any potentially applicable regulation which was promulgated after the date issued of this permit.

5.2.6 Episode Action Plan

a. If the source is required to have an episode action plan pursuant to 35 IAC 244.142, the Permittee shall

maintain at the source and have on file with the Illinois EPA a written episode action plan (plan) for reducing the levels of emissions during yellow alerts, red alerts, and emergencies, consistent with safe operating procedures. The plan shall contain the information specified in 35 IAC 244.144.

b. The Permittee shall immediately implement the appropriate steps described in this plan should an air pollution alert or emergency be declared.

c. If a change occurs at the source which requires a revision of the plan (e.g., operational change, change in the source contact person), a copy of the revised plan shall be submitted to the Illinois EPA for review within 30 days of the change. Such plans shall be further revised if disapproved by the Illinois EPA.

d. For sources required to have a plan pursuant to 35 IAC 244.142, a copy of the original plan and any subsequent revisions shall be sent to:

i. Illinois EPA, Compliance Section; and

ii. For sources located in Cook County and outside of the city of Chicago: Cook County Department of Environmental Control; or

iii. For sources located within the city of Chicago: Chicago Department of Environmental Control.

5.2.7 CAM Plan

This stationary source has a pollutant-specific emissions unit that is subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources. The source must submit a CAM plan for each affected pollutant-specific emissions unit upon application for renewal of the initial CAAPP permit, or upon a significant modification to the CAAPP permit for the construction or modification of a large pollutant-specific emissions unit which has the potential post-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

5.3 Non-Applicability of Regulations of Concern

None

5.4 Source-Wide Operational and Production Limits and Work Practices

In addition to the source-wide requirements in the Standard Permit Conditions in Section 9, the Permittee shall fulfill the following source-wide operational and production limitations and/or work practice requirements:

None

5.5 Source-Wide Emission Limitations

5.5.1 Permitted Emissions for Fees

The annual emissions from the source, not considering insignificant activities as addressed by Section 3.0 of this permit, shall not exceed the following limitations. The overall source emissions shall be determined by adding emissions from all emission units. Compliance with these limits shall be determined on a calendar year basis. These limitations (Condition 5.5.1) are set for the purpose of establishing fees and are not federally enforceable.

Permitted Emissions of Regulated Pollutants

Pollutant	Tons/Year
Volatile Organic Material (VOM)	1,111.2
Sulfur Dioxide (SO_2)	2,059.6
Particulate Matter (PM)	267.3
Nitrogen Oxides (NO_x)	963.8
HAP, not included in VOM or PM	64.2
Total	4,466.1

5.5.2 Emissions of Hazardous Air Pollutants

Source-wide emission limitations for HAPs as listed in Section 112(b) of the CAA are not set. This source is considered to be a major source of HAPs.

5.5.3 Other Source-Wide Emission Limitations

a. The annual emissions from the source shall not exceed the limitations established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

b. The limitations in the State Construction and Operating Permits were established pursuant to 40 CFR 52.21, Prevention of Significant Deterioration (PSD). These limits ensure that the construction and/or modification addressed in the aforementioned permits do not constitute a new major source or major modification pursuant to Title I of the CAA,

specifically the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 [T1].

c. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

5.6 General Recordkeeping Requirements

5.6.1 Emission Records

The Permittee shall maintain records of the following items for the source to demonstrate compliance with Condition 5.5.1, pursuant to Section 39.5(7)(b) of the Act:

Total annual emissions on a calendar year basis for the emission units covered by Section 7 (Unit Specific Conditions) of this permit.

5.6.2 Recordkeeping Requirements for the NESHAP for Solvent Extraction for Vegetable Oil Production

The source is subject to the recordkeeping requirements established in NESHAP, 40 CFR 63 Subparts A: General Provisions and NESHAP, 40 CFR 63 Subparts GGGG: Solvent Extraction for Vegetable Oil Production. This regulation is attached hereto and incorporated herein by reference (see Attachment 1).

5.6.3 Retention and Availability of Records

a. All records and logs required by this permit shall be retained for at least five years from the date of entry (unless a longer retention period is specified by the particular recordkeeping provision herein), shall be kept at a location at the source that is readily accessible to the Illinois EPA or USEPA, and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request.

b. The Permittee shall retrieve and print, on paper during normal source office hours, any records retained in an electronic format (e.g., computer) in response to an Illinois EPA or USEPA request for records during the course of a source inspection.

5.6.4 Records for HAP Emissions

a. Emissions of HAPs, ton/mo and ton/yr.

5.6.5 Records for Operating Scenarios

N/A

5.7 General Reporting Requirements

5.7.1 General Source-Wide Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of deviations of the source with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.

5.7.2 Annual Emissions Report

The annual emissions report required pursuant to Condition 9.7 shall contain emissions information for the previous calendar year.

5.7.3 Annual Reporting of HAP Emissions

The Permittee shall submit an annual report to the Illinois EPA, Compliance Section, on HAP emissions from the source, including the following information. The source is being operated as a major source of HAP emissions. This report shall be submitted with the Annual Emissions Report (Condition 9.7).

a. The annual emissions of individual HAPs for each month of the previous calendar year, tons/year (e.g., for the month of January, the emissions from February of the preceding calendar year through January; for the month of February, the emissions from March of the preceding calendar year through February; 12 months in all); and

b. The total emissions of all HAPs combined for each month of the previous calendar year, tons/year (e.g., for the month of January, the emissions from February of the preceding calendar year through January; for the month of February, the emissions from March of the preceding calendar year through February; 12 months in all).

5.8 General Operational Flexibility/Anticipated Operating Scenarios

N/A

5.9 General Compliance Procedures

5.9.1 General Procedures for Calculating Emissions

Compliance with the source-wide emission limits specified in Condition 5.5 shall be based on the recordkeeping and reporting requirements of Conditions 5.6 and 5.7, and Compliance Procedures in Section 7 (Unit Specific Conditions) of this permit.

6.0 NOT APPLICABLE TO THIS PERMIT

7.0 UNIT SPECIFIC CONDITIONS

7.1 Receiving, Cleaning, Drying and Storage Units

7.1.1 Description

The grain receiving and handling process area consists of those plant operations, which receive, convey and store grain prior to processing. The Quincy plant receives soybeans by barge, truck or rail. Once the grain is received, it is conveyed via a series of legs and conveyors to various grain storage locations for eventual transfer to processing. Materials received are stored in three distinct silo facilities within the silo operation: the east, west, and annex silo facilities. Grain is transferred to and from these silos and to the processing plants by a series of legs, gallery and tunnel belts, and conveyors. The beans are scalped and screened to remove foreign contaminants. Cleaned beans are transferred through dryers prior to cracking. Grain dryers dry high-moisture content soybeans beans.

7.1.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
EAST ELEVATOR RECEIVING, CLEANING, DRYING and STORAGE UNITS:		
EU-1001	East Elevator Truck Dump #1 with Hopper Truck Dumping Only	Baghouse
EU-1002	East Elevator Truck Dump #2 with Hopper Truck Dumping Only	Baghouse
EU-1003	Moorman Truck Dump with Hopper Truck Dumping Only	Baghouse
EU-1004	Conveying to Grain Dryers	Baghouse
EU-1005	West Hart Carter Dryer (Rated 17.5 mmBtu/Hr and uses Natural Gas Only)	Cyclone
EU-1006	East Hart Carter Dryer (Rated 17.5 mmBtu/Hr and uses Natural Gas Only)	Cyclone
EU-1007	Schanzer Dryer (Rated 24 mmBtu/Hr and uses Natural Gas Only)	Cyclone
EU-1008	East Tunnel Conveying	Baghouse
EU-1009	East Gallery Conveying/ Storage	Baghouse
EU-2001	Bean Cleaning	Baghouse
WEST ELEVATOR RECEIVING, CLEANING, DRYING and STORAGE UNITS:		
EU-1010	West Elevator Truck Dump #3 with Hopper Truck Dumping Only	Baghouse

Emission Unit	Description	Emission Control Equipment
EU-1011	West Tunnel Conveying	Baghouse
EU-1012	West Gallery Conveying/ Storage	Baghouse
EU-3001	Bean Cleaning	Baghouse
EU-3002	Escher-Wyss Dryer (Steam Heated)	Baghouse
ANNEX RECEIVING, STORAGE and LOADOUT UNITS:		
EU-1013	Annex Truck Dump #4 with Hopper Truck Dumping Only	Baghouse
EU-1014	Annex Rail Dump	Baghouse
EU-1015	Annex Conveying	Baghouse
EU-1016	Annex Storage Silos	None
EU-1017	Annex Temporary Storage	None
EU-1018	Annex Truck Loadout	None

7.1.3 Applicability Provisions and Applicable Regulations

a. The receiving, cleaning, drying and storage units for the purpose of these unit-specific conditions, are an "affected grain handling operation" described in Conditions 7.1.1 and 7.1.2.

b. The affected grain handling operation is subject to the emission limits identified in Condition 5.2.2.

c. The grain handling operation units, post August 3, 1978, associated with the affected grain handling operation are subject to the NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, because the receiving and storage units associated with the affected grain handling operation was constructed, modified, or commenced reconstruction after August 3, 1978. The Illinois EPA is administering NSPS in Illinois on behalf of the USEPA under a delegation agreement. This regulation is attached hereto and incorporated herein by reference (see Attachment 2).

d. The affected grain handling operation is subject to 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart S: Visible and Particulate Matter Emissions from Agriculture. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

e. The dryers associated with the affected grain handling operation are subject to 35 IAC Part 214 Subpart A: General Provisions and 35 IAC Part 214 Subpart K: Sulfur Limitations from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

7.1.4 Non-Applicability of Regulations of Concern

a. 35 IAC 212.302(a), 212.321, and 212.322 shall not apply to grain-handling and grain-drying operations, portable grain-handling equipment and one-turn storage space [35 IAC 212.461(a)].

b. The affected grain handling operation is not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, and 35 IAC 212.464, Agriculture Sources in Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

c. The dryers associated with the affected grain handling operation are not subject to 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart K: Organic Material Emission Standards and Limitations for the Use of Organic Material because the dryers do not meet the minimum requirements to be subject to this regulation.

7.1.5 Operational and Production Limits and Work Practices

a. The Permittee shall follow good operating practices for the control equipment including periodic inspection, routine maintenance and prompt repair of defects.

b. The affected grain handling operation units, post August 3, 1978, associated with the affected grain handling operation are subject to the emission limitations established in NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, which have been attached hereto and incorporated herein by reference (see Attachment 2).

c. The affected grain handling operation is subject to the applicable operational and production limits and work practices requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart S: Visible and Particulate Matter Emissions from Agriculture. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The dryers associated with the affected grain handling operation is subject to the emission limitations established in 35 IAC Part 214 Subpart A: General Provisions and 35 IAC Part 214 Subpart K: Sulfur Limitations from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

7.1.6 Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected grain handling operation is subject to the following:

a. The affected grain handling operation units, post August 3, 1978, associated with the affected grain handling operation are subject to the emission limitations established in NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, which have been attached hereto and incorporated herein by reference (see Attachment 2).

b. The affected grain handling operation is subject to emission limitations established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

c. The limitations in the State Construction and Operating Permits were established pursuant to 40 CFR 52.21, Prevention of Significant Deterioration (PSD). These limits ensure that the construction and/or modification addressed in the aforementioned permits do not constitute a new major source or major modification pursuant to Title I of the CAA, specifically the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 [T1].

d. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

7.1.7 Testing Requirements

a. The affected grain handling operation units, post August 3, 1978, associated with the affected grain handling operation are subject to the testing requirements established in NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, which have been attached hereto and incorporated herein by reference (see Attachment 2).

b. The affected grain handling operation is subject to the testing requirements established in 35 IAC Part 212 Subpart A: General Provisions for Particulate Matter Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The dryers associated with the affected grain handling operation is subject to the testing requirements established in 35 IAC Part 214 Subpart A: General Provisions for Sulfur Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The affected grain handling operation is subject to testing requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

7.1.8 Monitoring Requirements

None

7.1.9 Recordkeeping Requirements

a. In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected grain handling operation to demonstrate compliance with Conditions 5.5.1, 7.1.3, and 7.1.6, pursuant to Section 39.5(7)(b) of the Act:

b. The affected grain handling operation units, post August 3, 1978, associated with the affected grain handling operation are subject to the recordkeeping requirements established in NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, which have been attached hereto and incorporated herein by reference (see Attachment 2).

c. The affected grain handling operation is subject to the recordkeeping requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart S: Visible and Particulate Matter Emissions from Agriculture. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The dryers associated with the affected grain handling operation is subject to the recordkeeping requirements established in 35 IAC Part 214 Subpart A: General Provisions and 35 IAC Part 214 Subpart K: Sulfur Limitations from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

e. The affected grain handling operation is subject to recordkeeping requirements established in State Construction and Operating Permits, which have been

attached hereto and incorporated herein by reference (see Attachment 4).

f. Records addressing use of good operating practices for the control equipment:

i. Records for periodic inspection of the control equipment with date, individual performing the inspection, and nature of inspection; and

ii. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.

g. Records addressing the affected grain handling operation emissions, with supporting calculations, shall be maintained, as determined by Condition 7.1.12 to demonstrate compliance to Conditions 5.5.2 and 7.1.6.

7.1.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section, of deviations of the affected grain handling operation with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

a. The affected grain handling operation units, post August 3, 1978, associated with the affected grain handling operation are subject to the reporting requirements established in NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, which have been attached hereto and incorporated herein by reference (see Attachment 2).

b. The affected grain handling operation is subject to the reporting requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart S: Visible and Particulate Matter Emissions from Agriculture. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The dryers associated with the affected grain handling operation is subject to the recordkeeping requirements established in 35 IAC Part 214 Subpart A: General Provisions and 35 IAC Part 214 Subpart K: Sulfur Limitations from Process Emission Sources.

This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The affected grain handling operation is subject to reporting requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

e. Emissions from or operation of an affected grain handling operation in excess of the limits specified in Conditions 7.1.3, 7.1.5, and 7.1.6 within 30 days of such occurrence.

7.1.11 Operational Flexibility/Anticipated Operating Scenarios

N/A

7.1.12 Compliance Procedures

Compliance with the emission limits shall be based on the recordkeeping requirements in Condition 7.1.9 and the emission factors and data listed below:

a. To determine compliance with Conditions 5.5.1 and 7.1.6, PM emissions from the affected grain handling operation shall be calculated based on:

i. The applicable emission factors for grain elevators and grain processing, Tables 9.9.1-1 and 9.9.1-2, AP-42, Volume I, Fifth Edition, Supplement D, April, 2003, or current edition, or

ii. The results of emission test(s) on the affected process or a similar process. The emission test(s) shall be the most recent, valid and deemed acceptable to the Agency.

b. To determine compliance with Conditions 5.5.1 and 7.1.6, fuel combustion emissions from the dryers associated with the affected grain handling operation shall be calculated based on:

i. The emission factors for uncontrolled natural gas combustion in small boilers (< 100 mmBtu/hr), Tables 1.4-1 and 1.4-2, AP-42, Volume I, Fifth Edition, Supplement D, March, 1998, or current edition. Note: With the exception of PM and PM_{10} emissions, which are to be determined as described in Condition 7.1.12(a), or

ii. The results of emission test(s) on the affected process or a similar process. The emission test(s) shall be the most recent, valid and deemed acceptable to the Illinois EPA.

7.2 Soybean Preparation

7.2.1 Description

The four (4) principal operations in soybean preparation are cracking, dehulling, conditioning and flaking. Enclosed drag conveyors transfer the soybeans from the tempering bins to the preparation building. Cracking rolls receive the beans, breaking each one into particles to facilitate separation of the bean hulls from the bean meat. The cracked beans are then passed through an aspiration system to remove the hulls. Hull grinders size the hulls prior to conveying to hull storage. The cracked, dehulled beans are conveyed through a conditioner where the beans are heated, hydrated and routed to the flaking mills. Flaking rolls press the bean particles into flakes. A portion of these flakes can be conveyed to the expanders. The expanded flakes (collet) are collected in a conveyor and sent to the extractor along with the non-expanded flakes.

7.2.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
EAST PLANT GRAIN PREPARATION:		
EI-2002	Bean Cracking	Baghouse
EU-2003	Bean Dehulling	Baghouse
EU-2004	Bean Conditioning/Flaking Rolls/ and Expander	Cyclone
EU-2009	Hull Grinding	Baghouse
WEST PLANT GRAIN PREPARATION:		
EU-3003	Bean Cracking/2 Dehulling Units	Scrubber and Dust Filter
EU-3004	Bean Flaking Rolls/and Expander	Cyclone
EU-3005	Collet Coolers (#1 and #2)	Cyclone
EU-3009	Hull Grinding (1-4)	Dust Filter

7.2.3 Applicability Provisions and Applicable Regulations

a. The milling/preparation operations described in Condition 7.2.1 and 7.2.2 are "affected milling operations" for the purpose of these unit-specific conditions.

b. The affected milling operations are subject to the emission limits identified in Condition 5.2.2.

c. The affected milling operations are subject to 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is

attached hereto and incorporated herein by reference (see Attachment 3).

7.2.4 Non-Applicability of Regulations of Concern

a. The affected milling operations are not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

b. The affected milling operations are not subject to 35 IAC 212.461, Grain Handling and Drying in General, and 35 IAC 212.463, Grain Drying Operations, because after being altered by the affected milling operations the soybeans cease to be grain as defined by 35 IAC 211.2650.

7.2.5 Operational and Production Limits and Work Practices

The Permittee shall follow good operating practices for the control equipment including periodic inspection, routine maintenance and prompt repair of defects.

7.2.6 Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected milling operations are subject to the following:

a. The affected milling operations are subject to emission limitations established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

b. The limitations in the State Construction and Operating Permits were established pursuant to 40 CFR 52.21, Prevention of Significant Deterioration (PSD). These limits ensure that the construction and/or modification addressed in the aforementioned permits do not constitute a new major source or major modification pursuant to Title I of the CAA, specifically the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 [T1].

c. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

7.2.7 Testing Requirements

a. The affected milling operations are subject to the applicable testing requirements established in 35 IAC

Part 212 Subpart A: General Provisions for Particulate Matter Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

b. The affected milling operations are subject to the applicable testing requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

7.2.8 Monitoring Requirements

None

7.2.9 Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected milling operations to demonstrate compliance with Conditions 5.5.1, 7.2.3, and 7.2.6, pursuant to Section 39.5(7)(b) of the Act:

a. The affected milling operations are subject to the applicable recordkeeping requirements established in 35 IAC Part 212, Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

b. The affected milling operations are subject to the applicable recordkeeping requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

c. Records addressing use of good operating practices for the control equipment:

i. Records for periodic inspection of the control equipment with date, individual performing the inspection, and nature of inspection; and

ii. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.

d. Records of throughput of grain (tons/month, tons/year).

e. Records addressing the affected milling operations emissions, with supporting calculations, shall be

maintained, as determined by Condition 7.2.12 to demonstrate compliance to Conditions 5.5.2 and 7.2.6.

7.2.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section, of deviations of the affected milling operations with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

a. The affected milling operations are subject to the applicable reporting requirements established in 35 IAC Part 212, Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

b. The affected milling operations are subject to the applicable reporting requirements established in State Construction and Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

c. Emissions from or operation of an affected milling operation in excess of the limits specified in Conditions 7.2.3, 7.2.5, and 7.2.6 within 30 days of such occurrence.

7.2.11 Operational Flexibility/Anticipated Operating Scenarios

N/A

7.2.12 Compliance Procedures

Compliance with the emission limits shall be based on the recordkeeping requirements in Condition 7.2.9 and the emission factors and data listed below:

To determine compliance with Conditions 5.5.1 and 7.2.6, PM emissions from the affected milling operations shall be calculated based on:

a. The applicable emission factors for Vegetable Oil Processing, Section 9.11.1, AP-42, Volume I, Fifth Edition, Supplement A, November 1995, or current edition, or

b. The results of emission test(s) on the affected process or a similar process. The emission test(s) shall be the most recent, valid and deemed acceptable to the Agency.

7.3 Soybean Oil Solvent Extraction

7.3.1 Description

The extraction process removes oil from the soybean flakes with solvent in an extractor. Soybean flakes are transferred to the extractor unit which contains pie shaped mesh baskets rotating around a vertical shaft. These divisions rotate through a countercurrent solvent wash which extracts the soybean oil from the flakes. The hexane/ oil mixture is heated, sent through vacuum operated evaporators, and stripped in a column to remove the hexane which is sent through a vapor collection system. The stripped soybean oil leaving the column is then transferred to oil storage tanks. From the extractor, the solvent-laden, defatted soybean flakes are conveyed to a desolventizer-toaster (DT) which evaporates the solvent from the defatted flakes. To decrease the moisture from the flakes leaving the DT the flakes are passed through a dryer/ cooler (DC) unit. Heated air circulates through the flakes to reduce moisture content and then ambient air is circulated to cool the flakes. Hexane/ oil vapor mixtures collected from the oil stripping and flake desolventizing processes are condensed and sent to a hexane/ oil separator. The hexane separated from the mixture is recycled back to the extractor. All non-condensible vapors leaving the condenser are sent to the mineral oil scrubber for removal of hexane. The cleaned gas exits through the final process vent.

7.3.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
EAST PLANT SOLVENT EXTRACTION:		
EU-2005	Extraction System that makes vegetable oil and defatted flakes	Mineral Oil Scrubber
EU-2006	Desolventizer-Toaster-Dryer-Cooler (DTDC)	Mineral Oil Scrubber
EU-2010	Hexane Tanks and all Other Volatile Organic Liquid (VOL) Tanks	None
WEST PLANT SOLVENT EXTRACTION:		
EU-3006	Extraction System that makes vegetable oil and defatted flakes	Mineral Oil Scrubber
EU-3007	Desolventizer-Toaster-Dryer-Cooler (DTDC)	Mineral Oil Scrubber
EU-3015	Hexane Tanks and all Other Volatile Organic Liquid (VOL) Tanks	None

7.3.3 Applicability Provisions and Applicable Regulations

a. The extraction process described in Conditions 7.3.1 and 7.3.2 is an "affected extraction process" for the purpose of these unit-specific conditions.

b. The affected extraction process is subject to the emission limits identified in Condition 5.2.2.

c. The affected extraction process is subject to the NESHAP, 40 CFR 63 Subparts A: General Provisions and NESHAP, 40 CFR 63 Subparts GGGG: Solvent Extraction for Vegetable Oil Production because the source owns or operates a vegetable oil production process that is a major source of HAP emissions. The Illinois EPA is administering NESHAP in Illinois on behalf of the USEPA under a delegation agreement. This regulation is attached hereto and incorporated herein by reference (see Attachment 1).

d. The affected extraction process is subject to 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

e. The affected extraction process is subject to 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart N: Vegetable Oil Processing. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

f. The hexane storage tanks, any gasoline storage tanks and/ or any other VOL storage tanks, post constructed, reconstructed or modified after July 23, 1984 and 40 cubic meters or greater, are subject to the NSPS, 40 CFR 60 Subpart A: General Provisions and NSPS, 40 CFR 60 Subparts Kb: Storage Vessels. This regulation is attached hereto and incorporated herein by reference (see Attachment 2).

g. The affected hexane storage tanks, any gasoline storage tanks and/ or any other VOL storage tanks with capacity greater than 250 gallons are subject to 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart B: Organic Emissions from Storage and Loading Operations. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

7.3.4 Non-Applicability of Regulations of Concern

a. The affected extraction process is not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

b. The affected extraction process is not subject to 35 IAC 212.461, Grain Handling and Drying in General, and 35 IAC 212.463, Grain Drying Operations, because after being altered by the milling operations the soybeans cease to be grain as defined by 35 IAC 211.2650.

c. The affected extraction process is not subject to 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart K: Organic Material Emission Standards and Limitations for the Use of Organic Material because the extraction process does not meet the minimum requirements to be subject to this regulation.

d. This permit is issued based on the affected extraction process not being subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the affected extraction process is subject to a NESHAP proposed after November 15, 1990, pursuant to 40 CFR 64.2(b)(1)(i).

7.3.5 Operational and Production Limits and Work Practices

a. The Permittee shall follow good operating practices for the control equipment including periodic inspection, routine maintenance and prompt repair of defects.

b. The hexane storage tanks, any gasoline storage tanks and/ or any other VOL storage tanks, post constructed, reconstructed or modified after July 23, 1984 and 40 cubic meters or greater, are subject to the Operational and Production Limits and Work Practices 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart B: Organic Emissions from Storage and Loading Operations. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

7.3.6 Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected extraction process is subject to the following:

a. The affected extraction process is subject to emission limitations established in NESHAP, 40 CFR 63 Subparts A: General Provisions and NESHAP, 40 CFR 63 Subparts GGGG: Solvent Extraction for Vegetable Oil Production. This regulation is attached hereto and incorporated herein by reference (see Attachment 1).

b. The affected extraction process is subject to emission limitations established in 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart N: Vegetable Oil Processing. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The affected extraction process is subject to emission limitations established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

d. The limitations in the State Construction and Operating Permits were established pursuant to 40 CFR 52.21, Prevention of Significant Deterioration (PSD). These limits ensure that the construction and/or modification addressed in the aforementioned permits do not constitute a new major source or major modification pursuant to Title I of the CAA, specifically the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 [T1].

e. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

7.3.7 Testing Requirements

a. The affected extraction process is subject to the testing requirements established in NESHAP, 40 CFR 63 Subparts A: General Provisions and NESHAP, 40 CFR 63 Subparts GGGG: Solvent Extraction for Vegetable Oil Production. This regulation is attached hereto and incorporated herein by reference (see Attachment 1).

b. The affected extraction process is subject to the applicable testing requirements established in 35 IAC Part 212 Subpart A: General Provisions for Particulate Matter Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The hexane storage tanks, any gasoline storage tanks and/ or any other VOL storage tanks, post constructed, reconstructed or modified after

Jul 23, 1984 and 40 cubic meters or greater, are subject to the applicable testing requirements established in NSPS, 40 CFR 60 Subpart A: General Provisions and NSPS, 40 CFR 60 Subparts Kb: Storage Vessels. This regulation is attached hereto and incorporated herein by reference (see Attachment 2).

d. The affected extraction process is subject to testing requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

7.3.8 Monitoring Requirements

None

7.3.9 Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected extraction process to demonstrate compliance with Conditions 5.5.1, 7.3.3, and 7.3.6, pursuant to Section 39.5(7)(b) of the Act:

a. The affected extraction process is subject to the recordkeeping requirements established in NESHAP, 40 CFR 63 Subparts A: General Provisions and NESHAP, 40 CFR 63 Subparts GGGG: Solvent Extraction for Vegetable Oil Production. This regulation is attached hereto and incorporated herein by reference (see Attachment 1).

b. The affected extraction process is subject to the recordkeeping requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The affected extraction process is subject to the recordkeeping requirements established in 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart N: Vegetable Oil Processing. This regulation is attached hereto and incorporated herein by reference (see Attachment 3)

d. The hexane storage tanks, any gasoline storage tanks and/ or any other VOL storage tanks, post constructed, reconstructed or modified after July 23, 1984 and 40 cubic meters or greater are subject to the recordkeeping requirements established in NSPS, 40 CFR 60 Subpart A: General Provisions and NSPS, 40

CFR 60 Subparts Kb: Storage Vessels. This regulation is attached hereto and incorporated herein by reference (see Attachment 2).

e. Design information for the affected VOL storage tanks showing the presence of permanent submerged loading pipe or the use of submerged loading fill when loading of volatile organic liquid with a vapor pressure of 17.24 kPa (2.5 psia) or greater at 294.3°K (70°F) or loading of gasoline.

f. Maintenance and repair records for the affected VOL storage tanks, as related to the repair or replacement of the loading pipe.

g. Identification and throughput of each material stored in the affected VOL storage tanks, gal/yr.

h. The VOM emissions from the affected VOL storage tanks based on the materials stored, the tank throughputs, and the applicable emission factors and formulas with supporting calculations, ton/yr.

i. The affected extraction process and VOL storage tanks are subject to recordkeeping requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

j. Records addressing the affected extraction process and VOL storage tanks emissions, with supporting calculations, shall be maintained, as determined by Condition 7.3.12 to demonstrate compliance to Conditions 5.5.2 and 7.3.6.

7.3.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section, of deviations of the affected extraction process with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

a. The affected extraction process is subject to the reporting requirements established in NESHAP, 40 CFR 63 Subparts A: General Provisions and NESHAP, 40 CFR 63 Subparts GGGG: Solvent Extraction for Vegetable Oil Production. This regulation is attached hereto and incorporated herein by reference (see Attachment 1).

b. The affected extraction process is subject to the reporting requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The affected extraction process is subject to the reporting requirements established in 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart N: Vegetable Oil Processing. This regulation is attached hereto and incorporated herein by reference (see Attachment 3)

d. The hexane storage tanks, any gasoline storage tanks and/ or any other VOL storage tank, post constructed, reconstructed or modified after July 23, 1984 and 40 cubic meters or greater, are subject to the reporting requirements established in NSPS, 40 CFR 60 Subpart A: General Provisions and NSPS, 40 CFR 60 Subparts Kb: Storage Vessels. This regulation is attached hereto and incorporated herein by reference (see Attachment 2).

e. The affected extraction process and VOL storage tanks are subject to reporting requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

f. Emissions from or operation of an affected extraction process and VOL storage tanks in excess of the limits specified in Conditions 7.3.3, 7.3.5, and 7.3.6 within 30 days of such occurrence.

7.3.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational change with respect to the affected storage tanks without prior notification to the Illinois EPA or revision of this permit. This condition does not affect the Permittee’s obligation to properly obtain a construction permit in a timely manner for any activity constituting construction or modification of the source, as defined in 35 IAC 201.102:

a. Changes to components related to either the submerged loading pipe or submerged fill, including addition of new components and repair and replacement of components.

b. Changes in the material stored in the affect storage tank, provided the affected storage tanks continue to

comply with the Conditions of Section 7.4 of this permit.

7.3.12 Compliance Procedures

Compliance with the emission limits shall be based on the recordkeeping requirements in Condition 7.3.9 and the emission factors and data listed below:

a. The affected extraction process is subject to the compliance determination requirements established in NESHAP, 40 CFR 63 Subparts A: General Provisions and NESHAP, 40 CFR 63 Subparts GGGG: Solvent Extraction for Vegetable Oil Production. This regulation is attached hereto and incorporated herein by reference (see Attachment 1).

b. Compliance with Condition 7.3.3(c) is demonstrated by proper operating conditions of the affected extraction process.

c. Compliance with Condition 7.3.3(d) shall be demonstrated by the records required in Condition 7.3.9.

d. The affected extraction process is subject to the applicable compliance determination requirements as established in 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart N: Vegetable Oil Processing. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

e. The hexane storage tanks, any gasoline storage tanks and/ or any other VOL storage tanks, post constructed, reconstructed or modified after July 23, 1984 and 40 cubic meters or greater, are subject to the applicable compliance determination requirements as established in NSPS, 40 CFR 60 Subpart: General Provisions and NSPS, 40 CFR 60 Subparts Kb: Storage Vessels. This regulation is attached hereto and incorporated herein by reference (see Attachment 2).

f. Compliance with Conditions 7.3.3(g) is considered to be assured by the use of submerged loading pipe or submerged fill as required in Condition 7.3.5 and by the recordkeeping requirement of Condition 7.3.9.

g. To determine compliance with Conditions 5.5.1 and 7.3.6 and 7.3.9, emissions from the affected extraction process and VOL storage tanks shall be calculated based on emission factors and formulas listed below:

i. The applicable emission factors for Vegetable Oil Processing, Section 9.11.1, AP-42, Volume I, Fifth Edition, Supplement A, November 1995, or current edition, or

ii. The results of emission test(s) on the affected process or a similar process. The emission test(s) shall be the most recent, valid and deemed acceptable to the Illinois EPA.

iii. The results of solvent inventory analyses on the affected process.

iv. For purposes of calculating VOM emissions for the VOL storage tanks, the current version of the USEPA's Tanks Program is acceptable.

7.4 Pellet Mill and Meal and Load-Out Handling

7.4.1 Description

The hulls collected at the preparation building in the various dust control devices are recycled to the hull grinding process. After grinding, the hulls are either temporarily stored or sent to the pellet mill. Hulls sent to the mill are formed into pellets, cooled, and sent to the hull pellet storage tanks or sheds for storage. From the dryer/ cooler, the defattened soybean flakes (meal) are conveyed to the preparation building where they are sized by meal screens and grinders. The meal then receives a flow agent before transfer to the meal sheds or tanks for storage and load out by truck, rail or barge.

7.4.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
EAST PLANT PELLET MILL and MEAL and LOAD-OUT HANDLING:		
EU-2007	Meal Sifting/Grinding	Baghouse
EU-2008	Meal Rail Loadout	Baghouse
WEST PLANT PELLET MILL and MEAL and LOAD-OUT HANDLING:		
EU-3008	Meal Sifters/Pulverizers	Dust Filter
EU-3010	Pellet Mill/Cooler	Cyclone
EAST and WEST PLANTS PELLET MILL and MEAL and LOAD-OUT HANDLING:		
EU-3011	Meal/Millfeed Storage (East and West Plants)	Baghouse
EU-3012	Truck Loadout (East and West Plants)	Baghouse
EU-3013	Weigh Scale (East and West Plants)	Baghouse
EU-3014	Filter Aid Receiving and Storage (Lecithin Plant)	Baghouse
EAST and WEST PLANTS BARGE DOCKS:		
EU-4001	Barge Loadout Dock #1 (East and West Plants)	Baghouse
EU-4002	Barge Loadout Dock #2 (East and West Plants)	Baghouse
EU-4003	Barge Loadout Dock #3 (East and West Plants)	Baghouse
EU-4004	Barge Unloading Dock #3 (East and West Plants)	None
EU-4005	Dock #3 Transfer Belt	Baghouse
EU-4006	Barge Dock #1 Boiler (Rated 8.2 mmBtu/hr and uses only #2 fuel oil)	None

7.4.3 Applicability Provisions and Applicable Regulations

a. The "affected pellet and meal and load-out process" for the purpose of these unit-specific conditions, are process units described in Conditions 7.4.1 and 7.4.2.

b. The affected pellet and meal and loadout process is subject to the emission limits identified in Condition 5.2.2.

c. The affected pellet and meal and loadout process is subject to 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

7.4.4 Non-Applicability of Regulations of Concern

a. The affected pellet and meal and loadout process is not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

b. The affected pellet and meal process and loadout is not subject to 35 IAC 212.461, Grain Handling and Drying in General, and 35 IAC 212.463, Grain Drying Operations, because after being altered by the affected milling operations the soybeans cease to be grain as defined by 35 IAC 211.2650.

7.4.5 Operational and Production Limits and Work Practices

The Permittee shall follow good operating practices for the control equipment including periodic inspection, routine maintenance and prompt repair of defects.

7.4.6 Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected protein process is subject to the following:

a. The affected pellet and meal process and loadout is subject to emission limitations established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

b. The limitations in the State Construction and Operating Permits were established pursuant to 40 CFR 52.21, Prevention of Significant Deterioration (PSD).

These limits ensure that the construction and/or modification addressed in the aforementioned permits do not constitute a new major source or major modification pursuant to Title I of the CAA, specifically the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 [T1].

c. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

7.4.7 Testing Requirements

a. The affected pellet and meal process and loadout is subject to the applicable testing requirements established in 35 IAC Part 212 Subpart A: General Provisions for Particulate Matter Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

b. The affected pellet and meal process and loadout is subject to the applicable testing requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

7.4.8 Monitoring Requirements

None

7.4.9 Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected pellet and meal process to demonstrate compliance with Conditions 5.5.1, 7.4.3, and 7.4.6, pursuant to Section 39.5(7)(b) of the Act:

a. The affected pellet and meal process and loadout is subject to the applicable recordkeeping requirements established in 35 IAC Part 212, Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

b. The affected pellet and meal and loadout process is subject to the applicable recordkeeping requirements established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

c. Records addressing use of good operating practices for the control equipment:

   i. Records for periodic inspection of the control equipment with date, individual performing the inspection, and nature of inspection; and

   ii. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.

d. Records addressing the affected pellet and meal and loadout process emissions, with supporting calculations, shall be maintained, as determined by Condition 7.4.12 to demonstrate compliance to Conditions 5.5.2 and 7.4.6.

7.4.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section, of deviations of the affected protein process with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

a. The affected pellet and meal and loadout process is subject to the applicable reporting requirements established in 35 IAC Part 212, Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

b. The affected pellet and meal and loadout process is subject to the applicable reporting requirements established in State Construction and Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4)

c. Emissions from or operation of an affected pellet and meal and loadout process in excess of the limits specified in Conditions 7.4.3, 7.4.5, and 7.4.6 within 30 days of such occurrence.

7.4.11 Operational Flexibility/Anticipated Operating Scenarios

N/A

7.4.12 Compliance Procedures

Compliance with the emission limits shall be based on the recordkeeping requirements in Condition 7.7.9 and the emission factors and data listed below:

To determine compliance with Conditions 5.5.1 and 7.4.6, emissions from the affected pellet and meal and loadout process shall be calculated based on:

a. The applicable emission factors for Vegetable Oil Processing, Section 9.11.1, AP-42, Volume I, Fifth Edition, Supplement A, November 1995, or current edition, or

b. The applicant emission factors for Grain Elevators and Processes, Section 9.9.1, AP-42, Volume 1, Fifth Edition, Supplement A, November 1998, or the current edition, or

c. The results of emission test(s) on the affected process or a similar process. The emission test(s) shall be the most recent, valid and deemed acceptable to the Illinois EPA.

7.5 Boilers and Associated Emission Units:

7.5.1 Description

Steam for the process in the east and west plants and general heating during winter months is supplied by combinations of two (2) identical coal boilers and three (3) natural gas package boilers of similar capacity. The coal boilers and associated coal and ash handling equipment are separate from the natural gas boilers and are situated in different areas of the facility but both feed the same steam-piping network.

A vegetable oil refinery is associated with the east and west soybean oil extraction plants. The refinery's feedstock is soybean oil transported by pipeline to the facility from the Lecithin process at the west extraction plant. The initial stage in the refining processes is to refine and bleach the oils. The refining and bleaching processes are done by adding caustic soda, bleaching (diatomaceous) earth and other clays to remove fatty acids, chlorophyll and impurities through filtration. The refined oil is then stored in closed-top above-ground tanks pending further processing by hydrogenation and/or winterization followed by deodorization.

The hydrogenation process involves reacting hydrogen with the partially unsaturated oil feedstock in a reactor under a vacuum, which produces a saturated vegetable oil. The deodorization process removes water and some vegetable oil components. Soapstock, which is collected from the caustic refining process and from liquids collected in the plant drain stream, is mixed with sulfuric acid and steam in a reactor to precipitate out solids.

7.5.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
COMBUSTION OPERATIONS:		
EU-5001	Coal Storage Pile	None
EU-5002	Coal Transfer, Crushing, and Storage	Baghouse
EU-5003	Boiler #1 used for production of steam. (Rated 124.5 mmBtu/Hr and uses coal only)	Baghouse
EU-5004	Boiler #2 used for production of steam. (Rated 124.5 mmBtu/Hr and uses coal only)	Baghouse
EU-5005	Ash Silo and Transfer System	Baghouse
EU-5006	Ash Truck Loadout	None

Emission Unit	Description	Emission Control Equipment
EU-5007	#1 Gas Boiler used for production of steam. (Rated 125 mmBtu/hr and uses natural gas, distillate fuel oil #2, or vegetable oil).	None
EU-5008	#2 Gas Boiler used for production of steam. (Rated 125 mmBtu/hr and uses natural gas, distillate fuel oil #2, or vegetable oil).	None
EU-5009	#3 Gas Boiler used for production of steam. (Rated 135 mmBtu/hr and uses natural gas, distillate fuel oil #2, or vegetable oil).	None
EU-5010	Diesel Fire Pump #1 (Rated 151.34 #/hr and uses distillate fuel oil #2 only)	None
EU-5011	Diesel Fire Pump #2 (Rated 151.34 #/hr and uses distillate fuel oil #2 only)	None
REFINERY:		
EU-7001	Bleaching Clay Storage/Transfer	Bin Vent Filter
EU-7002	Diatomaceous Earth Transfer	Bin Vent Filter
EU-7003	Trisyl Transfer	Bin Vent Filter
EU-7004	Deodorization Boiler #1 (Rated 7.5 mmBtu/Hr and uses natural gas only)	None
EU-7005	Deodorization Boiler #2 (Rated 7.5 mmBtu/Hr and uses natural gas only)	None
EU-7006	Hydrogen Plant: 2 Burners (Rated 8.5 mmBtu/hr- Natural Gas and 10.9 mmBtu/hr- Vent Gas)	None

7.5.3 Applicability Provisions and Applicable Regulations

a. The "affected boilers/ burners/ Diesel Fire Pumps" for the purpose of these unit-specific conditions, are fuel combustion emission units as described in Conditions 7.5.1 and 7.5.2.

b. The affected boilers/burners/Diesel Fire Pumps are subject to the emission limits identified in Condition 5.2.2.

c. The affected boilers/ burners/ Diesel Fire Pumps are subject to 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart B: Visible Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The affected boilers/ burners/ Diesel Fire Pumps are subject to 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart E: Particulate Matter Emissions From Fuel Combustion Emission Units. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

e. The affected boilers/ burners/ Diesel Fire Pumps are subject to 35 IAC Part 214 Subpart A: General Provisions and 35 IAC Part 214 Subpart B: Sulfur Limitations for New Fuel Combustion Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

f. The affected boilers/ burners/ Diesel Fire Pumps are subject to 35 IAC Part 216 Subpart A: General Provisions and 35 IAC Part 216 Subpart B: Carbon Monoxide Emissions from Fuel Combustion Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

g. The affected associated emission units are subject to 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

h. Startup Provisions

The Permittee is authorized to operate an affected coal boiler in violation of the applicable limit of 35 IAC 212.123, 212.202, and 216.121 during startup pursuant to 35 IAC 201.262, as the Permittee has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emissions, duration of individual starts, and frequency of startups. This authorization is subject to the following:

i. This authorization only extends for a period of up to 6 hours following initial firing of fuel during each startup event;

ii. The Permittee shall take the following measures to minimize startup emissions, the duration of startups and minimize the frequency of startups:

A. Implementation of established startup procedures, including monitoring combustion parameters and making adjustments accordingly so as to reduce emissions during the startup process; and

B. Operating the affected coal boiler in accordance with the manufacturer's instructions so as to minimize emissions during startup.

iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Condition 7.5.9 and 7.5.10.

i. Malfunction and Breakdown Provisions

In the event of a malfunction or breakdown of a coal affected boiler (including the ash removal system), or the control system of an affected coal boiler, the Permittee is authorized to continue operation of the affected coal boiler in violation of the applicable requirement of 35 212.123, 212.202, and 216.121, as necessary to prevent risk of injury to personnel or severe damage to equipment. This authorization is subject to the following requirements:

i. The Permittee shall repair the damaged feature(s) of an affected coal boiler (including the ash removal system) or the control system of an affected coal boiler or remove the affected coal boiler from service as soon as practicable. This shall be accomplished within 24 hours unless the feature(s) can not be repaired within 24 hours and the affected coal boiler can not be removed from service within 24 hours, and the Permittee obtains an extension, for up to 48 hours, from the Illinois EPA. The request for such an extension must document that a necessary part is unavailable and specify a schedule of actions the Permittee will take that will assure the feature(s) will be repaired or the affected coal boiler is removed from service as soon as possible;

ii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Condition 7.5.9 and 7.5.10.

7.5.4 Non-Applicability of Regulations of Concern

a. Pursuant to 35 IAC 215.303, fuel combustion emission units are not subject to 35 IAC 215.301, Use of Organic Material.

b. The affected boilers/burners/Diesel Fire Pumps are not subject to 35 IAC 217.121, Emissions of Nitrogen Oxides from New Fuel Combustion Emission Sources, because the actual heat input is less than 73.2 MW (250 mmBtu/hr).

7.5.5 Operational and Production Limits and Work Practices

a. The Permittee shall follow good operating practices for the control equipment including periodic inspection, routine maintenance and prompt repair of defects.

7.5.6 Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected boiler is subject to the following:

a. The affected boilers/ burners/ Diesel Fire Pumps and associated emission units are subject to emission limitations established in State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

b. The limitations in the State Construction and Operating Permits were established pursuant to 40 CFR 52.21, Prevention of Significant Deterioration (PSD). These limits ensure that the construction and/or modification addressed in the aforementioned permits do not constitute a new major source or major modification pursuant to Title I of the CAA, specifically the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 [T1].

c. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

7.5.7 Testing Requirements

a. The affected boilers/burners/Diesel Fire Pumps and associated emission units are subject to the testing requirements established in 35 IAC Part 212 Subpart A: General Provisions for Particulate Matter Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

b. The affected boilers/burners/Diesel Fire Pumps are subject to the testing requirements established in 35 IAC Part 214 Subpart A: General Provisions for Sulfur Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The affected boilers/burners/Diesel Fire Pumps are subject to testing requirements established in 35 IAC Part 216 Subpart A: General Provisions for Carbon Monoxide Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The affected boiler/burners/Diesel Fire Pumps and associated emission units subject to testing requirements established by State Construction and Operating Permits, which have been attached hereto and incorporated herein by reference (see Attachment 4).

7.5.8 Monitoring Requirements

a. The Permittee shall conduct a qualitative visible emissions observation once each day to observe for the presence of abnormal visible emissions.

7.5.9 Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected boiler/ burners to demonstrate compliance with Conditions 5.5.1, 7.5.3, and 7.5.6, pursuant to Section 39.5(7)(b) of the Act:

a. Records for Startup:

The Permittee shall maintain the following records, pursuant to Section 39.5(7)(b) of the Act:

The following information for each startup of each coal affected boiler:

i. Date and duration of the startup, i.e., start time and time normal operation achieved, i.e., stable operation at load;

ii. If normal operation was not achieved within six hours, an explanation why startup could not be achieved within six hours;

iii. A detailed description of the startup, including reason for operation and whether preheating with oil, gas or any other combustible was performed and whether combustion parameters were monitored and adjusted so as to minimize emissions;

iv. An explanation why preheating, combustion parameter monitoring and adjusting, and other established startup procedures could not be performed, if not performed;

v. The amount of release above typical emissions during startup for CO and PM;

vi. Whether exceedance of Condition 5.2.2(b) may have occurred during startup, with explanation and estimated duration (minutes).

b. Records for Malfunctions and Breakdowns of an affected boiler:

The Permittee shall maintain records, pursuant to 35 IAC 201.263, of continued operation of an affected coal boiler during malfunctions and breakdown of an affected coal boiler or the control system of an affected boiler, which as a minimum, shall include:

i. Date and duration of malfunction or breakdown;

ii. A detailed explanation of the malfunction or breakdown;

iii. An explanation why the damaged feature(s) could not be immediately repaired or the affected coal boiler removed from service without risk of injury to personnel, patients, or severe damage to equipment;

iv. The measures used to reduce the quantity of emissions and the duration of the event;

v. The steps taken to prevent similar malfunctions or breakdowns or reduce their frequency and severity;

vi. The amount of release above typical emissions during malfunction/breakdown;

vii. A maintenance and repair log for each affected coal boiler, listing each activity performed with date.

c. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable recordkeeping requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart B: Visible Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable recordkeeping requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart E: Particulate Matter Emissions From Fuel Combustion Emission Units. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

e. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable recordkeeping requirements established in 35 IAC Part 214 Subpart A: General Provisions and 35 IAC Part 214 Subpart B: Sulfur Limitations for New Fuel Combustion Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

f. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable recordkeeping requirements established in 35 IAC Part 216 Subpart A: General Provisions and 35 IAC Part 216 Subpart B: Carbon Monoxide Emissions from Fuel Combustion Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

g. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable recordkeeping requirements established in State Construction and Operating Permits. The State Construction and Operating Permits have been attached hereto and incorporated herein by reference (see Attachment 4).

h. The affected associated emission units are subject to the applicable recordkeeping requirements established in 35 IAC Part 212, Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

i. Records addressing use of good operating practices for the control equipment:

   i. Records for periodic inspection of the control equipment with date, individual performing the inspection, and nature of inspection; and

   ii. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.

j. Records addressing Bituminous and Subbituminous coal consumption per emission unit (ton/month and ton/year).

k. Records addressing No 2 Fuel Oil consumption (gal/month and gal/year) and sulfur content as fired per emission unit (wt %).

l. Records addressing Natural Gas consumption per emission unit (scf/month and scf/year).

m. Records addressing vegetable oil consumption per emission unit (gal/month and gal/year).

n. The affected boiler/ burners/ Diesel Fire Pumps and associated emission units emissions, with supporting calculations, shall be maintained, as determined by the procedures in Condition 7.5.12 to demonstrate compliance to Conditions 5.5.2 and 7.5.6.

7.5.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section, of deviations of the affected boiler with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

a. Reporting of Malfunctions and Breakdowns for affected coal boilers

   The Permittee shall provide the following notification and reports to the Illinois EPA, Compliance Section and Regional Field Office, pursuant to 35 IAC 201.263, concerning continued operation of affected coal boiler during malfunction or breakdown of an affected coal boiler or the control system of an affected coal boiler:

   i. The Permittee shall notify the Illinois EPA's regional office by telephone as soon as

possible during normal working hours, but no later than three (3) days, upon the occurrence of noncompliance due to malfunction, or breakdown.

ii. Upon achievement of compliance, the Permittee shall give a written follow-up notice to the Illinois EPA within 30 days, Compliance Section and Regional Field Office, providing a detailed explanation of the event, an explanation why continued operation of the affected coal boiler was necessary, the length of time during which operation continued under such conditions, the measures taken by the Permittee to minimize and correct deficiencies with chronology, and when the repairs were completed or when the affected coal boiler was taken out of service.

b. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable reporting requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart B: Visible Emissions. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

c. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable reporting requirements established in 35 IAC Part 212 Subpart A: General Provisions and 35 IAC Part 212 Subpart E: Particulate Matter Emissions From Fuel Combustion Emission Units. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

d. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable reporting requirements established in 35 IAC Part 214 Subpart A: General Provisions and 35 IAC Part 214 Subpart B: Sulfur Limitations for New Fuel Combustion Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

e. The affected boilers/burners/Diesel Fire Pumps are subject to the applicable reporting requirements established in 35 IAC Part 216 Subpart A: General Provisions and 35 IAC Part 216 Subpart B: Carbon Monoxide Emissions from Fuel Combustion Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

f. The affected boilers/burners/Diesel Fire Pumps and associated emission units are subject to the applicable reporting requirements established in

State Construction and Operating Permits. The State Construction and Operating Permits have been attached hereto and incorporated herein by reference (see Attachment 4).

g. The affected associated emission units are subject to the applicable reporting requirements established in 35 IAC Part 212, Subpart A: General Provisions and 35 IAC Part 212 Subpart L: Particulate Matter Emissions from Process Emission Sources. This regulation is attached hereto and incorporated herein by reference (see Attachment 3).

h. Emissions from or operation of an affected boiler/burner/Diesel Fire Pump or an associated emission unit in excess of the limits specified in Conditions 7.5.3, 7.5.5, and 7.5.6 within 30 days of such occurrence.

7.5.11 Operational Flexibility/Anticipated Operating Scenarios

N/A

7.5.12 Compliance Procedures

a. Compliance with the emission limits in Condition 7.5.3(g) is demonstrated under inherent operating conditions of an affected boiler.

b. Compliance with the emission limits in Condition 7.5.3(h) is demonstrated by proper operation of the control systems and shall be based on the work practice requirements in Condition 7.5.5.

c. To verify compliance with the opacity limitations of 5.2.2(b), the Permittee shall conduct a qualitative visible emissions observation once each day to observe for the presence of abnormal visible emissions.

d. Compliance with the emission limits shall be based on the recordkeeping requirements in Condition 7.5.9 and the emission factors and data listed below:

i. The applicable emission factors for the Bituminous and Subbituminous Coal Combustion, Section 1.1, AP-42, Volume I, Fifth Edition, Supplement A, September/1998, or the current edition;

ii. Data from analyses of coal representative of that combusted in the boilers;

iii The applicable emission factors for Natural Gas-Fired Small Boilers (<100 mmBtu/hr Heat Input) from AP-42 Section 1.4 (dated 7/98) , or the current edition;

iv. The applicable emission factors for Natural Gas-Fired Boilers (>100 mmBtu/hr Heat Input) from AP-42 Section 1.4 (dated 7/98), or the current edition;

v. The applicable emission factors for the No. 2 Oil-Fired Engine (Diesel-Fired Pump) Combustion, Section 3.3, AP-42, Volume I, Fifth Edition, Supplement A, October/1998, or the current edition;

vi. The applicable emission factors for the No. 2 Oil-Fired Boiler Combustion, Section 1.3, AP-42, Volume I, Fifth Edition, Supplement A, September/1998, or the current edition;

vii. Data from analyses of No. 2 Fuel Oil representative of that combusted in the pumps and boilers;

viii. Engineering estimates on manufacturers' data;

ix. The applicable emission factor for SCC 30201407 from Corn Wet Milling, Section 9.9.7, AP-42, Volume 1, Fifth Edition, Supplement A, January 1995, or the current edition;

x. The applicable emission factor for SCC 30500719 from Cement Manufacturing: Wet Process - 3241, AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, March 1990, or the current edition; and

xi. The results of emission test(s) on the affected process or a similar process. The emission test(s) shall be the most recent, valid and deemed acceptable to the Illinois EPA.

8.0 GENERAL PERMIT CONDITIONS

8.1 Permit Shield

Pursuant to Section 39.5(7)(j) of the Act, the Permittee has requested and has been granted a permit shield. This permit shield provides that compliance with the conditions of this permit shall be deemed compliance with applicable requirements which were applicable as of the date the proposed permit for this source was issued, provided that either the applicable requirements are specifically identified within this permit, or the Illinois EPA, in acting on this permit application, has determined that other requirements specifically identified are not applicable to this source and this determination (or a concise summary thereof) is included in this permit.

This permit shield does not extend to applicable requirements which are promulgated after October 10, 2003 (the date of issuance of the draft permit) unless this permit has been modified to reflect such new requirements.

8.2 Applicability of Title IV Requirements (Acid Deposition Control)

This source is not an affected source under Title IV of the CAA and is not subject to requirements pursuant to Title IV of the CAA.

8.3 Emissions Trading Programs

No permit revision shall be required for increases in emissions allowed under any USEPA approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for elsewhere in this permit and that are authorized by the applicable requirement [Section 39.5(7)(o)(vii) of the Act].

As of the date of issuance of this permit, there are no such economic incentive, marketable permit or emission trading programs that have been approved by USEPA.

8.4 Operational Flexibility/Anticipated Operating Scenarios

8.4.1 Changes Specifically Addressed by Permit

Physical or operational changes specifically addressed by the Conditions of this permit that have been identified as not requiring Illinois EPA notification may be implemented without prior notice to the Illinois EPA.

8.4.2 Changes Requiring Prior Notification

The Permittee is authorized to make physical or operational changes that contravene express permit terms

without applying for or obtaining an amendment to this permit, provided that [Section 39.5(12)(a)(i) of the Act]:

a. The changes do not violate applicable requirements;

b. The changes do not contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;

c. The changes do not constitute a modification under Title I of the CAA;

d. Emissions will not exceed the emissions allowed under this permit following implementation of the physical or operational change; and

e. The Permittee provides written notice to the Illinois EPA, Division of Air Pollution Control, Permit Section, at least 7 days before commencement of the change. This notice shall:

   i. Describe the physical or operational change;

   ii. Identify the schedule for implementing the physical or operational change;

   iii. Provide a statement of whether or not any New Source Performance Standard (NSPS) is applicable to the physical or operational change and the reason why the NSPS does or does not apply;

   iv. Provide emission calculations which demonstrate that the physical or operational change will not result in a modification; and

   v. Provide a certification that the physical or operational change will not result in emissions greater than authorized under the Conditions of this permit.

8.5 Testing Procedures

Tests conducted to measure composition of materials, efficiency of pollution control devices, emissions from process or control equipment, or other parameters shall be conducted using standard test methods. Documentation of the test date, conditions, methodologies, calculations, and test results shall be retained pursuant to the recordkeeping procedures of this permit. Reports of any tests conducted as required by this permit or as the result of a request by the Illinois EPA shall be submitted as specified in Condition 8.6.

8.6 Reporting Requirements

8.6.1 Monitoring Reports

If monitoring is required by any applicable requirements or conditions of this permit, a report summarizing the required monitoring results, as specified in the conditions of this permit, shall be submitted to the Air Compliance Section of the Illinois EPA every six months as follows [Section 39.5(7)(f) of the Act]:

Monitoring Period	Report Due Date
January - June	September 1
July - December	March 1

All instances of deviations from permit requirements must be clearly identified in such reports. All such reports shall be certified in accordance with Condition 9.9.

8.6.2 Test Notifications

Unless otherwise specified elsewhere in this permit, a written test plan for any test required by this permit shall be submitted to the Illinois EPA for review at least 60 days prior to the testing pursuant to Section 39.5(7)(a) of the Act. The notification shall include at a minimum:

a. The name and identification of the affected unit(s);

b. The person(s) who will be performing sampling and analysis and their experience with similar tests;

c. The specific conditions under which testing will be performed, including a discussion of why these conditions will be representative of maximum emissions and the means by which the operating parameters for the source and any control equipment will be determined;

d. The specific determination of emissions and operation which are intended to be made, including sampling and monitoring locations;

e. The test method(s) which will be used, with the specific analysis method, if the method can be used with different analysis methods;

f. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification; and

g. Any proposed use of an alternative test method, with detailed justification.

8.6.3 Test Reports

Unless otherwise specified elsewhere in this permit, the results of any test required by this permit shall be submitted to the Illinois EPA within 60 days of completion of the testing. The test report shall include at a minimum [Section 39.5(7)(e)(i) of the Act]:

a. The name and identification of the affected unit(s);

b. The date and time of the sampling or measurements;

c. The date any analyses were performed;

d. The name of the company that performed the tests and/or analyses;

e. The test and analytical methodologies used;

f. The results of the tests including raw data, and/or analyses including sample calculations;

g. The operating conditions at the time of the sampling or measurements; and

h. The name of any relevant observers present including the testing company's representatives, any Illinois EPA or USEPA representatives, and the representatives of the source.

8.6.4 Reporting Addresses

a. The following addresses should be utilized for the submittal of reports, notifications, and renewals:

i. Illinois EPA - Air Compliance Section

Illinois Environmental Protection Agency
Bureau of Air
Compliance Section (MC 40)
P.O. Box 19276
Springfield, Illinois 62794-9276

ii. Illinois EPA - Air Regional Field Office

Illinois Environmental Protection Agency
Division of Air Pollution Control
5415 North University
Peoria, Illinois 61614

iii. Illinois EPA - Air Permit Section (MC 11)

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
P.O. Box 19506
Springfield, Illinois 62794-9506

iv. USEPA Region 5 - Air Branch

USEPA (AE - 17J)
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

b. Unless otherwise specified in the particular provision of this permit, reports shall be sent to the Illinois EPA - Air Compliance Section with a copy sent to the Illinois EPA - Air Regional Field Office.

8.7 Obligation to Comply with Title I Requirements

Any term, condition, or requirement identified in this permit by T1, T1R, or T1N is established or revised pursuant to 35 IAC Part 203 or 40 CFR 52.21 ("Title I provisions") and incorporated into this permit pursuant to both Section 39.5 and Title I provisions. Notwithstanding the expiration date on the first page of this permit, the Title I conditions remain in effect pursuant to Title I provisions until the Illinois EPA deletes or revises them in accordance with Title I procedures.

9.0 STANDARD PERMIT CONDITIONS

9.1 Effect of Permit

9.1.1 The issuance of this permit does not release the Permittee from compliance with State and Federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or applicable ordinances, except as specifically stated in this permit and as allowed by law and rule [Section 39.5(7)(j)(iv) of the Act].

9.1.2 In particular, this permit does not alter or affect the following:

a. The provisions of Section 303 (emergency powers) of the CAA, including USEPA's authority under that Section;

b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

c. The applicable requirements of the acid rain program consistent with Section 408(a) of the CAA; and

d. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the CAA.

9.1.3 Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee) may also use other credible evidence to establish compliance or noncompliance with applicable requirements.

9.2 General Obligations of Permittee

9.2.1 Duty to Comply

The Permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the CAA and the Act, and is grounds for any or all of the following: enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application [Section 39.5(7)(o)(i) of the Act].

The Permittee shall meet applicable requirements that become effective during the permit term in a timely manner unless an alternate schedule for compliance with the applicable requirement is established.

9.2.2 Duty to Maintain Equipment

The Permittee shall maintain all equipment covered under this permit in such a manner that the performance or operation of such equipment shall not cause a violation of applicable requirements.

9.2.3 Duty to Cease Operation

No person shall cause, threaten or allow the continued operation of any emission unit during malfunction or breakdown of the emission unit or related air pollution control equipment if such operation would cause a violation of an applicable emission standard, regulatory requirement, ambient air quality standard or permit limitation unless such malfunction or breakdown is allowed by a permit condition [Section 39.5(6)(c) of the Act].

9.2.4 Disposal Operations

The source shall be operated in such a manner that the disposal of air contaminants collected by the equipment operations, or activities shall not cause a violation of the Act or regulations promulgated thereunder.

9.2.5 Duty to Pay Fees

The Permittee must pay fees to the Illinois EPA consistent with the fee schedule approved pursuant to Section 39.5(18) of the Act, and submit any information relevant thereto [Section 39.5(7)(o)(vi) of the Act]. The check should be payable to "Treasurer, State of Illinois" and sent to: Fiscal Services Section, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, Illinois 62794-9276.

9.3 Obligation to Allow Illinois EPA Surveillance

Upon presentation of proper credentials and other documents, the Permittee shall allow the Illinois EPA, or an authorized representative to perform the following [Section 39.5(7)(a) and (p)(ii) of the Act and 415 ILCS 5/4]:

a. Enter upon the Permittee's premises where an actual or potential emission unit is located; where any regulated equipment, operation, or activity is located or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect during hours of operation any sources, equipment (including monitoring and air pollution control

equipment), practices, or operations regulated or required under this permit;

d. Sample or monitor any substances or parameters at any location:

i. At reasonable times, for the purposes of assuring permit compliance; or

ii. As otherwise authorized by the CAA, or the Act.

e. Obtain and remove samples of any discharge or emission of pollutants authorized by this permit; and

f. Enter and utilize any photographic, recording, testing, monitoring, or other equipment for the purposes of preserving, testing, monitoring, or recording any activity, discharge or emission at the source authorized by this permit.

9.4 Obligation to Comply With Other Requirements

The issuance of this permit does not release the Permittee from applicable State and Federal laws and regulations, and applicable local ordinances addressing subjects other than air pollution control.

9.5 Liability

9.5.1 Title

This permit shall not be considered as in any manner affecting the title of the premises upon which the permitted source is located.

9.5.2 Liability of Permittee

This permit does not release the Permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the sources.

9.5.3 Structural Stability

This permit does not take into consideration or attest to the structural stability of any unit or part of the source.

9.5.4 Illinois EPA Liability

This permit in no manner implies or suggests that the Illinois EPA (or its officers, agents or employees) assumes any liability, directly or indirectly, for any

loss due to damage, installation, maintenance, or operation of the source.

9.5.5 Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege [Section 39.5(7)(o)(iv) of the Act].

9.6 Recordkeeping

9.6.1 Control Equipment Maintenance Records

A maintenance record shall be kept on the premises for each item of air pollution control equipment. As a minimum, this record shall show the dates of performance and nature of preventative maintenance activities.

9.6.2 Records of Changes in Operation

A record shall be kept describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes [Section 39.5(12)(b)(iv) of the Act].

9.6.3 Retention of Records

a. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit [Section 39.5(7)(e)(ii) of the Act].

b. Other records required by this permit shall be retained for a period of at least 5 years from the date of entry unless a longer period is specified by a particular permit provision.

9.7 Annual Emissions Report

The Permittee shall submit an annual emissions report to the Illinois EPA, Compliance Section no later than May 1 of the following year, as required by 35 IAC Part 254.

9.8 Requirements for Compliance Certification

Pursuant to Section 39.5(7)(p)(v) of the Act, the Permittee shall submit annual compliance certifications. The compliance

certifications shall be submitted no later than May 1 or more frequently as specified in the applicable requirements or by permit condition. The compliance certifications shall be submitted to the Air Compliance Section, Air Regional Field Office, and USEPA Region 5 – Air Branch. The addresses for the submittal of the compliance certifications are provided in Condition 8.6.4 of this permit.

a. The certification shall include the identification of each term or condition of this permit that is the basis of the certification; the compliance status; whether compliance was continuous or intermittent; the method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.

b. All compliance certifications shall be submitted to USEPA Region 5 in Chicago as well as to the Illinois EPA.

c. All compliance reports required to be submitted shall include a certification in accordance with Condition 9.9.

9.9 Certification

Any document (including reports) required to be submitted by this permit shall contain a certification by a responsible official of the Permittee that meets the requirements of Section 39.5(5) of the Act [Section 39.5(7)(p)(i) of the Act]. An example Certification by a Responsible Official is included as an attachment to this permit.

9.10 Defense to Enforcement Actions

9.10.1 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit [Section 39.5(7)(o)(ii) of the Act].

9.10.2 Emergency Provision

a. An emergency shall be an affirmative defense to an action brought for noncompliance with the technology-based emission limitations under this permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

i. An emergency occurred as provided in Section 39.5(7)(k) of the Act and the Permittee can identify the cause(s) of the emergency.

Normally, an act of God such as lightning or flood is considered an emergency;

ii. The permitted source was at the time being properly operated;

iii. The Permittee submitted notice of the emergency to the Illinois EPA within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken; and

iv. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or regulations in this permit.

b. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a Permittee of any reporting obligations under existing federal or state laws or regulations.

9.11 Permanent Shutdown

This permit only covers emission units and control equipment while physically present at the indicated source location(s). Unless this permit specifically provides for equipment relocation, this permit is void for the operation or activity of any item of equipment on the date it is removed from the permitted location(s) or permanently shut down. This permit expires if all equipment is removed from the permitted location(s), notwithstanding the expiration date specified on this permit.

9.12 Reopening and Reissuing Permit for Cause

9.12.1 Permit Actions

This permit may be modified, reopened, and reissued, for cause pursuant to Section 39.5(15) of the Act. The filing of a request by the Permittee for a permit modification, revocation, and reissuance, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition [Section 39.5(7)(o)(iii) of the Act].

9.12.2 Reopening and Revision

This permit must be reopened and revised if any of the following occur [Section 39.5(15)(a) of the Act]:

a. Additional requirements become applicable to the equipment covered by this permit and three or more years remain before expiration of this permit;

b. Additional requirements become applicable to an affected source for acid deposition under the acid rain program;

c. The Illinois EPA or USEPA determines that this permit contains a material mistake or inaccurate statement when establishing the emission standards or limitations, or other terms or conditions of this permit; and

d. The Illinois EPA or USEPA determines that this permit must be revised to ensure compliance with the applicable requirements of the Act.

9.12.3 Inaccurate Application

The Illinois EPA has issued this permit based upon the information submitted by the Permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation under Section 39.5(15)(b) of the Act.

9.12.4 Duty to Provide Information

The Permittee shall furnish to the Illinois EPA, within a reasonable time specified by the Illinois EPA any information that the Illinois EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to the Illinois EPA copies of records required to be kept by this permit, or for information claimed to be confidential, the Permittee may furnish such records directly to USEPA along with a claim of confidentiality [Section 39.5(7)(o)(v) of the Act].

9.13 Severability Clause

The provisions of this permit are severable, and should any one or more be determined to be illegal or unenforceable, the validity of the other provisions shall not be affected. The rights and obligations of the Permittee shall be construed and enforced as if this permit did not contain the particular provisions held to be invalid and the applicable requirements

underlying these provisions shall remain in force [Section 39.5(7)(i) of the Act].

9.14 Permit Expiration and Renewal

The right to operate terminates on the expiration date unless the Permittee has submitted a timely and complete renewal application. For a renewal to be timely it must be submitted no later than 9 and no sooner than 12 months prior to expiration. The equipment may continue to operate during the renewal period until final action is taken by the Illinois EPA, in accordance with the original permit conditions [Section 39.5(5)(l), (n), and (o) of the Act].

10.0 ATTACHMENTS

10.1 Attachment 1 Applicable National Emission Standards for Hazardous Air Pollutants (NESHAP)

TITLE 40--PROTECTION OF ENVIRONMENT
CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

PART 63--NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

Subpart A--General Provisions

Source: 59 FR 12430, Mar. 16, 1994, unless otherwise noted.

Sec. 63.1 Applicability.

(a) General.

(1) Terms used throughout this part are defined in Sec. 63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in Sec. 63.2.

(2) This part contains national emission standards for hazardous air pollutants (NESHAP) established pursuant to section 112 of the Act as amended November 15, 1990. These standards regulate specific categories of stationary sources that emit (or have the potential to emit) one or more hazardous air pollutants listed in this part pursuant to section 112(b) of the Act. This section explains the applicability of such standards to sources affected by them. The standards in this part are independent of NESHAP contained in 40 CFR part 61. The NESHAP in part 61 promulgated by signature of the Administrator before November 15, 1990 (i.e., the date of enactment of the Clean Air Act Amendments of 1990) remain in effect until they are amended, if appropriate, and added to this part.

(3) No emission standard or other requirement established under this part shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by the Administrator pursuant to other authority of the Act (including those requirements in part 60 of this chapter), or a standard issued under State authority.

(4) The provisions of this **subpart** (i.e., **subpart** A of this part) apply to owners or operators who are subject to subsequent subparts of this part, except

when otherwise specified in a particular **subpart** or in a relevant standard. The general provisions in **subpart** A eliminate the repetition of requirements applicable to all owners or operators affected by this part. The general provisions in **subpart** A do not apply to regulations developed pursuant to section 112(r) of the amended Act, unless otherwise specified in those regulations.

(5) [Reserved]

(6) To obtain the most current list of categories of sources to be regulated under section 112 of the Act, or to obtain the most recent regulation promulgation schedule established pursuant to section 112(e) of the Act, contact the Office of the Director, Emission Standards Division, Office of Air Quality Planning and Standards, U.S. EPA (MD-13), Research Triangle Park, North Carolina 27711.

(7) **Subpart** D of this part contains regulations that address procedures for an owner or operator to obtain an extension of compliance with a relevant standard through an early reduction of emissions of hazardous air pollutants pursuant to section 112(i)(5) of the Act.

(8) **Subpart** E of this part contains regulations that provide for the establishment of procedures consistent with section 112(l) of the Act for the approval of State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. **Subpart** E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

(9) [Reserved]

(10) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

(11) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, test plan, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is

scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

(12) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in Sec. 63.9(i).

(13) Special provisions set forth under an applicable **subpart** of this part or in a relevant standard established under this part shall supersede any conflicting provisions of this **subpart**.

(14) Any standards, limitations, prohibitions, or other federally enforceable requirements established pursuant to procedural regulations in this part [including, but not limited to, equivalent emission limitations established pursuant to section 112(g) of the Act] shall have the force and effect of requirements promulgated in this part and shall be subject to the provisions of this **subpart**, except when explicitly specified otherwise.

(b) Initial applicability determination for this part.

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

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

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

(2) In addition to complying with the provisions of this part, the owner or operator of any such source may be required to obtain an operating permit issued to

stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to title V of the Act (42 U.S.C. 7661). For more information about obtaining an operating permit, see part 70 of this chapter.

(3) An owner or operator of a stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants who determines that the source is not subject to a relevant standard or other requirement established under this part, shall keep a record of the applicability determination as specified in Sec. 63.10(b)(3) of this **subpart**.

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

(1) If a relevant standard has been established under this part, the owner or operator of an affected source shall comply with the provisions of this **subpart** and the provisions of that standard, except as specified otherwise in this **subpart** or that standard.

(2) If a relevant standard has been established under this part, the owner or operator of an affected source may be required to obtain a title V permit from the permitting authority in the State in which the source is located. Emission standards promulgated in this part for area sources will specify whether—

(i) States will have the option to exclude area sources affected by that standard from the requirement to obtain a title V permit (i.e., the standard will exempt the category of area sources altogether from the permitting requirement);

(ii) States will have the option to defer permitting of area sources in that category until the Administrator takes rulemaking action to determine applicability of the permitting requirements; or

(iii) Area sources affected by that emission standard are immediately subject to the requirement to apply for and obtain a title V permit in all States. If a standard fails to specify what the permitting requirements will be for area sources affected by that standard, then area sources that are subject to the

standard will be subject to the requirement to obtain a title V permit without deferral. If the owner or operator is required to obtain a title V permit, he or she shall apply for such permit in accordance with part 70 of this chapter and applicable State regulations, or in accordance with the regulations contained in this chapter to implement the Federal title V permit program (42 U.S.C. 7661), whichever regulations are applicable.

(3) [Reserved]

(4) If the owner or operator of an existing source obtains an extension of compliance for such source in accordance with the provisions of **subpart** D of this part, the owner or operator shall comply with all requirements of this **subpart** except those requirements that are specifically overridden in the extension of compliance for that source.

(5) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source also shall be subject to the notification requirements of this **subpart**.

(d) [Reserved]

(e) Applicability of permit program before a relevant standard has been set under this part. After the effective date of an approved permit program in the State in which a stationary source is (or would be) located, the owner or operator of such source may be required to obtain a title V permit from the permitting authority in that State (or revise such a permit if one has already been issued to the source) before a relevant standard is established under this part. If the owner or operator is required to obtain (or revise) a title V permit, he/she shall apply to obtain (or revise) such permit in accordance with the regulations contained in part 70 of this chapter and applicable State regulations, or the regulations codified in this chapter to implement the Federal title V permit program (42 U.S.C. 7661), whichever regulations are applicable.

Sec. 63.2 Definitions.

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

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

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

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

Affected source, for the purposes of this part, means the stationary source, the group of stationary sources, or the portion of a stationary source that is regulated by a relevant standard or other requirement established pursuant to section 112 of the Act. Each relevant standard will define the "affected source" for the purposes of that standard. The term "affected source," as used in this part, is separate and distinct from any other use of that term in EPA regulations such as those implementing title IV of the Act. Sources regulated under part 60 or part 61 of this chapter are not affected sources for the purposes of part 63.

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

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

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in this chapter and that has been demonstrated to the Administrator's satisfaction, using Method 301 in Appendix A of this part, to produce results adequate for the Administrator's determination that it may be used in place of a test method specified in this part.

Approved permit program means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to title V of the Act (42 U.S.C. 7661).

Area source means any stationary source of hazardous air pollutants that is not a major source as defined in this part.

Commenced means, with respect to construction or reconstruction of a stationary source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

Compliance date means the date by which an affected source is required to be in compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established by the Administrator (or a State with an approved permit program) pursuant to section 112 of the Act.

Compliance plan means a plan that contains all of the following:

(1) A description of the compliance status of the affected source with respect to all applicable requirements established under this part;

(2) A description as follows:

(i) For applicable requirements for which the source is in compliance, a statement that the source will continue to comply with such requirements;

(ii) For applicable requirements that the source is required to comply with by a future date, a statement that the source will meet such requirements on a timely basis;

(iii) For applicable requirements for which the source is not in compliance, a narrative description of how the source will achieve compliance with such requirements on a timely basis;

(3) A compliance schedule, as defined in this section; and

(4) A schedule for the submission of certified progress reports no less frequently than every 6 months for affected sources required to have a schedule of compliance to remedy a violation.

Compliance schedule means:

(1) In the case of an affected source that is in compliance with all applicable requirements established under this part, a statement that the source will continue to comply with such requirements; or

(2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis and, if required by an applicable

requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or

(3) In the case of an affected source not in compliance with all applicable requirements established under this part, a schedule of remedial measures, including an enforceable sequence of actions or operations with milestones and a schedule for the submission of certified progress reports, where applicable, leading to compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established pursuant to section 112 of the Act for which the affected source is not in compliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

Construction means the on-site fabrication, erection, or installation of an affected source.

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

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

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

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

Effective date means:

(1) With regard to an emission standard established under this part, the date of promulgation in the Federal Register of such standard; or

(2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission

limitation or equivalent emission limitation becomes effective according to the provisions of this part. The effective date of a permit program established under title V of the Act (42 U.S.C. 7661) is determined according to the regulations in this chapter establishing such programs.

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

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

EPA means the United States Environmental Protection Agency.

Equivalent emission limitation means the maximum achievable control technology emission limitation (MACT emission limitation) for hazardous air pollutants that the Administrator (or a State with an approved permit program) determines on a case-by-case basis, pursuant to section 112(g) or section 112(j) of the Act, to be equivalent to the emission standard that would apply to an affected source if such standard had been promulgated by the Administrator under this part pursuant to section 112(d) or section 112(h) of the Act.

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

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

Federally enforceable means all limitations and conditions that are enforceable by the Administrator and citizens under the Act or that are enforceable under other statutes administered by the Administrator. Examples of federally enforceable limitations and conditions include, but are not limited to:

(1) Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the Act as amended in 1990;

(2) New source performance standards established pursuant to section 111 of the Act, and emission standards established

pursuant to section 112 of the Act before it was amended in 1990;

(3) All terms and conditions in a title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;

(4) Limitations and conditions that are part of an approved State Implementation Plan (SIP) or a Federal Implementation Plan (FIP);

(5) Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR part 51;

(6) Limitations and conditions that are part of an operating permit issued pursuant to a program approved by the EPA into a SIP as meeting the EPA's minimum criteria for Federal enforceability, including adequate notice and opportunity for EPA and public comment prior to issuance of the final permit and practicable enforceability;

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

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

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

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

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

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

Lesser quantity means a quantity of a hazardous air pollutant that is or may be emitted by a stationary source that the Administrator establishes in order to define a major source under an applicable **subpart** of this part.

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

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

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

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

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

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

Part 70 permit means any permit issued, renewed, or revised pursuant to part 70 of this chapter.

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

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

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

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

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

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

Permitting authority means:

(1) The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or

(2) The Administrator, in the case of EPA-implemented permit programs under title V of the Act (42 U.S.C. 7661).

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

Reconstruction means the replacement of components of an affected or a previously unaffected stationary source to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

Regulation promulgation schedule means the schedule for the promulgation of emission standards under this part, established by the Administrator pursuant to section 112(e) of the Act and published in the Federal Register.

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

(4) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the stationary source, the group of stationary sources, or the portion of a stationary source regulated by such standard or limitation.

A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the Administrator (or a State) establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes **subpart** A of this part and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:

(1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:

   (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

   (ii) The delegation of authority to such representative is approved in advance by the Administrator.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).

(4) or affected sources (as defined in this part) applying for or subject to a title V permit: "responsible official" shall have the same meaning as defined in part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever is applicable.

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

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

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

Standard conditions means a temperature of 293°K (68°F) and a pressure of 101.3 kilopascals (29.92 in. Hg).

Startup means the setting in operation of an affected source for any purpose.

State means all non-Federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement:

(1) The provisions of this part and/or

(2) The permit program established under part 70 of this chapter. The term State shall have its conventional meaning where clear from the context.

Stationary source means any building, structure, facility, or installation which emits or may emit any air pollutant.

Test method means the validated procedure for sampling, preparing, and analyzing for an air pollutant specified in a relevant standard as the performance test procedure. The test method may include methods described in an appendix of this chapter, test methods incorporated by reference in this part, or methods validated for an application through procedures in Method 301 of appendix A of this part.

Title V permit means any permit issued, renewed, or revised pursuant to Federal or State regulations established to implement title V of the Act (42 U.S.C. 7661). A title V permit issued by a State permitting authority is called a part 70 permit in this part.

Visible emission means the observation of an emission of opacity or optical density above the threshold of vision.

Sec. 63.3 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

(a) System International (SI) units of measure:

A = ampere
g = gram
Hz = hertz
J = joule
°K = degree Kelvin
kg = kilogram
l = liter
m = meter
m_3 = cubic meter
mg = milligram = 10^{-3} gram
ml = milliliter = 10^{-3} liter
mm = millimeter = 10^{-3} meter
Mg = megagram = 10^{6} gram = metric ton
MJ = megajoule
mol = mole
N = newton
ng = nanogram = 10^{-9} gram
nm = nanometer = 10^{-9} meter
Pa = pascal
s = second
V = volt
W = watt
Ω = ohm
µg = microgram = 10^{-6} gram
µl = microliter = 10^{-6} liter

(b) Other units of measure:

Btu = British thermal unit
°C = degree Celsius (centigrade)
cal = calorie
cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet
d = day
dcf = dry cubic feet
dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
°F degree Fahrenheit
ft = feet
ft^2 = square feet
ft^3 = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent

g-mole = gram mole
hr = hour
in. = inch
in. H_2O = inches of water
K = 1,000
kcal = kilocalorie
lb = pound
lpm = liter per minute
meq = milliequivalent
min = minute
MW = molecular weight
oz = ounces
ppb = parts per billion
ppbw = parts per billion by weight
ppbv = parts per billion by volume
ppm = parts per million
ppmw = parts per million by weight
ppmv = parts per million by volume
psia = pounds per square inch absolute
psig = pounds per square inch gage
°R = degree Rankine
scf = cubic feet at standard conditions
scfh = cubic feet at standard conditions per hour
scm = cubic meter at standard conditions
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd^2 = square yards
yr = year

(c) Miscellaneous:

act = actual
avg = average
I.D. = inside diameter
M = molar
N = normal
O.D. = outside diameter
% = percent

Sec. 63.4 Prohibited activities and circumvention.

(a) Prohibited activities.

(1) No owner or operator subject to the provisions of this part shall operate any affected source in violation of the requirements of this part except under--

(i) An extension of compliance granted by the Administrator under this part; or

(ii) An extension of compliance granted under this part by a State with an approved permit program; or

(iii) An exemption from compliance granted by the President under section 112(i)(4) of the Act.

(2) No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.

(3) After the effective date of an approved permit program in a State, no owner or operator of an affected source in that State who is required under this part to obtain a title V permit shall operate such source except in compliance with the provisions of this part and the applicable requirements of the permit program in that State.

(4) [Reserved]

(5) An owner or operator of an affected source who is subject to an emission standard promulgated under this part shall comply with the requirements of that standard by the date(s) established in the applicable **subpart**(s) of this part (including this **subpart**) regardless of whether--

(i) A title V permit has been issued to that source; or

(ii) If a title V permit has been issued to that source, whether such permit has been revised or modified to incorporate the emission standard.

(b) Circumvention. No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to--

(1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

(2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and

(3) The fragmentation of an operation such that the operation avoids regulation by a relevant standard.

(c) Severability. Notwithstanding any requirement incorporated into a title V permit obtained by an owner or operator subject to the provisions of this part, the provisions of this part are federally enforceable.

Sec. 63.5 Construction and reconstruction.

(a) Applicability.

(1) This section implements the preconstruction review requirements of section 112(i)(1) for sources subject to a relevant emission standard that has been promulgated in this part. In addition, this section includes other requirements for constructed and reconstructed stationary sources that are or become subject to a relevant promulgated emission standard.

(2) After the effective date of a relevant standard promulgated under this part, the requirements in this section apply to owners or operators who construct a new source or reconstruct a source after the proposal date of that standard. New or reconstructed sources that start up before the standard's effective date are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

(b) Requirements for existing, newly constructed, and reconstructed sources.

(1) Upon construction an affected source is subject to relevant standards for new sources, including compliance dates. Upon reconstruction, an affected source is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

(2) [Reserved]

(3) After the effective date of any relevant standard promulgated by the Administrator under this part, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, no person may construct a new major affected source or reconstruct a major affected source subject to such standard, or reconstruct a major source such that the source becomes a major affected source subject to the standard, without obtaining written approval, in advance, from the Administrator in accordance with the procedures specified in paragraphs (d) and (e) of this section.

(4) After the effective date of any relevant standard promulgated by the Administrator under this part, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, no person may construct a new affected source or reconstruct an affected source subject to such standard, or reconstruct a source such that the source becomes an affected source subject to the standard, without notifying the Administrator of the intended construction or reconstruction. The notification shall be submitted in accordance with the procedures in Sec. 63.9(b) and shall include all the information required for an application for approval of construction or reconstruction as specified in paragraph (d) of this section. For major sources, the application for approval of construction or reconstruction may be used to fulfill the notification requirements of this paragraph.

(5) After the effective date of any relevant standard promulgated by the Administrator under this part, whether or not an approved permit program is effective in the State in which an affected source is located, no person may operate such source without complying with the provisions of this **subpart** and the relevant standard unless that person has received an extension of compliance or an exemption from compliance under Sec. 63.6(i) or Sec. 63.6(j) of this **subpart**.

(6) After the effective date of any relevant standard promulgated by the Administrator under this part, whether or not an approved permit program is effective in the State in which an affected source is located, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard shall be considered part of the affected source and subject to all provisions of the relevant standard established for that affected source. If a new affected source is added to the facility, the new affected source shall be subject to all the provisions of the relevant standard that are established for new sources including compliance dates.

(c) [Reserved]

(d) Application for approval of construction or reconstruction. The provisions of this paragraph implement section 112(i)(1) of the Act.

(1) General application requirements.

(i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section shall submit to the Administrator an application for approval of the construction of a new major affected source, the reconstruction of a major affected source, or the reconstruction of a major source such that the source becomes a major affected source subject to the standard. The application shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard) if the construction or reconstruction commences after the effective date of a relevant standard promulgated in this part. The application shall be submitted as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard promulgated in this part if the construction or reconstruction had commenced and initial startup had not occurred before the standard's effective date. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of Sec. 63.9(b)(5) of this **subpart**. The owner or operator may submit the application for approval well in advance of the date construction or reconstruction is planned to commence in order to ensure a timely review by the Administrator and that the planned commencement date will not be delayed.

(ii) A separate application shall be submitted for each construction or reconstruction. Each application for approval of construction or reconstruction shall include at a minimum:

(A) The applicant's name and address;

(B) A notification of intention to construct a new major affected source or make any physical or operational change to a major affected source that may meet or has been determined to meet the criteria for a reconstruction, as defined in Sec. 63.2;

(C) The address (i.e., physical location) or proposed address of the source;

(D) An identification of the relevant standard that is the basis of the application;

(E) The expected commencement date of the construction or reconstruction;

(F) The expected completion date of the construction or reconstruction;

(G) The anticipated date of (initial) startup of the source;

(H) The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified in the relevant standard, or if actual emissions data are not yet available, an estimate of the type and quantity of hazardous air pollutants expected to be emitted by the source reported in units and averaging times specified in the relevant standard. The owner or operator may submit percent reduction information if a relevant standard is established in terms of percent reduction. However, operating parameters, such as flow rate, shall be included in the submission to the extent that they demonstrate performance and compliance; and

(I) [Reserved]

(J) Other information as specified in paragraphs (d)(2) and (d)(3) of this section.

(iii) An owner or operator who submits estimates or preliminary information in place of the actual emissions data and analysis required in paragraphs (d)(1)(ii)(H) and (d)(2) of this section shall submit the actual, measured emissions data and other correct information as soon as available but no later than with the notification of compliance status required in Sec. 63.9(h) (see Sec. 63.9(h)(5)).

(2) Application for approval of construction. Each application for approval of construction shall include, in addition to the information required in paragraph (d)(1)(ii) of this section, technical information describing the proposed nature, size,

design, operating design capacity, and method of operation of the source, including an identification of each point of emission for each hazardous air pollutant that is emitted (or could be emitted) and a description of the planned air pollution control system (equipment or method) for each emission point. The description of the equipment to be used for the control of emissions shall include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions shall include an estimated control efficiency (percent) for that method. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations. An owner or operator who submits approximations of control efficiencies under this subparagraph shall submit the actual control efficiencies as specified in paragraph (d)(1)(iii) of this section.

(3) Application for approval of reconstruction. Each application for approval of reconstruction shall include, in addition to the information required in paragraph (d)(1)(ii) of this section--

(i) A brief description of the affected source and the components that are to be replaced;

(ii) A description of present and proposed emission control systems (i.e., equipment or methods). The description of the equipment to be used for the control of emissions shall include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions shall include an estimated control efficiency (percent) for that method. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations;

(iii) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source;

(iv) The estimated life of the affected source after the replacements; and

(v) A discussion of any economic or technical limitations the source may have in complying

with relevant standards or other requirements after the proposed replacements. The discussion shall be sufficiently detailed to demonstrate to the Administrator's satisfaction that the technical or economic limitations affect the source's ability to comply with the relevant standard and how they do so.

(vi) If in the application for approval of reconstruction the owner or operator designates the affected source as a reconstructed source and declares that there are no economic or technical limitations to prevent the source from complying with all relevant standards or other requirements, the owner or operator need not submit the information required in subparagraphs (d)(3)(iii) through (v) of this section, above.

(4) Additional information. The Administrator may request additional relevant information after the submittal of an application for approval of construction or reconstruction.

(e) Approval of construction or reconstruction.

(1) (i) If the Administrator determines that, if properly constructed, or reconstructed, and operated, a new or existing source for which an application under paragraph (d) of this section was submitted will not cause emissions in violation of the relevant standard(s) and any other federally enforceable requirements, the Administrator will approve the construction or reconstruction.

(ii) In addition, in the case of reconstruction, the Administrator's determination under this paragraph will be based on:

(A) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new source;

(B) The estimated life of the source after the replacements compared to the life of a comparable entirely new source;

(C) The extent to which the components being replaced cause or contribute to the emissions from the source; and

(D) Any economic or technical limitations on compliance with relevant standards that are inherent in the proposed replacements.

(2) (i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of construction or reconstruction within 60 calendar days after receipt of sufficient information to evaluate an application submitted under paragraph (d) of this section. The 60-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(3) Before denying any application for approval of construction or reconstruction, the Administrator will notify the applicant of the Administrator's intention to issue the denial together with--

(i) Notice of the information and findings on which the intended denial is based; and

(ii) Notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator to enable further action on the application.

(4) A final determination to deny any application for approval will be in writing and will specify the grounds on which the denial is based. The final

determination will be made within 60 calendar days of presentation of additional information or arguments (if the application is complete), or within 60 calendar days after the final date specified for presentation if no presentation is made.

(5) Neither the submission of an application for approval nor the Administrator's approval of construction or reconstruction shall--

(i) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(ii) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(f) Approval of construction or reconstruction based on prior State preconstruction review.

(1) The Administrator may approve an application for construction or reconstruction specified in paragraphs (b)(3) and (d) of this section if the owner or operator of a new or reconstructed source who is subject to such requirement demonstrates to the Administrator's satisfaction that the following conditions have been (or will be) met:

(i) The owner or operator of the new or reconstructed source has undergone a preconstruction review and approval process in the State in which the source is (or would be) located before the promulgation date of the relevant standard and has received a federally enforceable construction permit that contains a finding that the source will meet the relevant emission standard as proposed, if the source is properly built and operated;

(ii) In making its finding, the State has considered factors substantially equivalent to those specified in paragraph (e)(1) of this section; and either

(iii) The promulgated standard is no more stringent than the proposed standard in any relevant aspect that would affect the Administrator's decision to approve or disapprove an application for approval of construction or reconstruction under this section; or

(iv) The promulgated standard is more stringent than the proposed standard but the owner or operator will comply with the standard as proposed during the 3-year period immediately following the effective date of the standard as allowed for in Sec. 63.6(b)(3) of this **subpart.**

(2) The owner or operator shall submit to the Administrator the request for approval of construction or reconstruction under this paragraph no later than the application deadline specified in paragraph (d)(1) of this section (see also Sec. 63.9(b)(2) of this **subpart**). The owner or operator shall include in the request information sufficient for the Administrator's determination. The Administrator will evaluate the owner or operator's request in accordance with the procedures specified in paragraph (e) of this section. The Administrator may request additional relevant information after the submittal of a request for approval of construction or reconstruction under this paragraph.

Sec. 63.6 Compliance with standards and maintenance requirements.

(a) Applicability.

(1) The requirements in this section apply to owners or operators of affected sources for which any relevant standard has been established pursuant to section 112 of the Act unless--

(i) The Administrator (or a State with an approved permit program) has granted an extension of compliance consistent with paragraph (i) of this section; or

(ii) The President has granted an exemption from compliance with any relevant standard in accordance with section 112(i)(4) of the Act.

(2) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement.

(b) Compliance dates for new and reconstructed sources.

(1) Except as specified in paragraphs (b)(3) and (b)(4) of this section, the owner or operator of a new or reconstructed source that has an initial startup before the effective date of a relevant standard established under this part pursuant to section 112(d), 112(f), or 112(h) of the Act shall comply with such standard not later than the standard's effective date.

(2) Except as specified in paragraphs (b)(3) and (b)(4) of this section, the owner or operator of a new or reconstructed source that has an initial startup after the effective date of a relevant standard established under this part pursuant to section 112(d), 112(f), or 112(h) of the Act shall comply with such standard upon startup of the source.

(3) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established under this part pursuant to section 112(d), 112(f), or 112(h) of the Act but before the effective date (that is, promulgation) of such standard shall comply with the relevant emission standard not later than the date 3 years after the effective date if:

(i) The promulgated standard (that is, the relevant standard) is more stringent than the proposed standard; and

(ii) The owner or operator complies with the standard as proposed during the 3-year period immediately after the effective date.

(4) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall comply with the emission standard under section 112(f) not later than the date 10 years after the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or operator shall comply with the standard as provided in paragraphs (b)(1) and (b)(2) of this section.

(5) The owner or operator of a new source that is subject to the compliance requirements of paragraph (b)(3) or paragraph (b)(4) of this section shall notify the

Administrator in accordance with Sec. 63.9(d) of this **subpart**.

(6) [Reserved]

(7) After the effective date of an emission standard promulgated under this part, the owner or operator of an unaffected new area source (i.e., an area source for which construction or reconstruction was commenced after the proposal date of the standard) that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source that is subject to the emission standard, shall comply with the relevant emission standard immediately upon becoming a major source. This compliance date shall apply to new area sources that become affected major sources regardless of whether the new area source previously was affected by that standard. The new affected major source shall comply with all requirements of that standard that affect new sources.

(c) Compliance dates for existing sources.

(1) After the effective date of a relevant standard established under this part pursuant to section 112(d) or 112(h) of the Act, the owner or operator of an existing source shall comply with such standard by the compliance date established by the Administrator in the applicable **subpart**(s) of this part. Except as otherwise provided for in section 112 of the Act, in no case will the compliance date established for an existing source in an applicable **subpart** of this part exceed 3 years after the effective date of such standard.

(2) After the effective date of a relevant standard established under this part pursuant to section 112(f) of the Act, the owner or operator of an existing source shall comply with such standard not later than 90 days after the standard's effective date unless the Administrator has granted an extension to the source under paragraph (i)(4)(ii) of this section.

(3)-(4) [Reserved]

(5) After the effective date of an emission standard promulgated under this part, the owner or operator of an unaffected existing area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source that is subject to the emission standard shall comply by the date specified in the standard for

existing area sources that become major sources. If no such compliance date is specified in the standard, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in that standard for other existing sources. This compliance period shall apply to existing area sources that become affected major sources regardless of whether the existing area source previously was affected by that standard. Notwithstanding the previous two sentences, however, if the existing area source becomes a major source by the addition of a new affected source or by reconstructing, the portion of the existing facility that is a new affected source or a reconstructed source shall comply with all requirements of that standard that affect new sources, including the compliance date for new sources.

(d) [Reserved]

(e) Operation and maintenance requirements.

(1) (i) At all times, including periods of startup, shutdown, and malfunction, owners or operators shall operate and maintain any affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards.

(ii) Malfunctions shall be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section.

(iii) Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

(2) Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

(3) Startup, shutdown, and malfunction plan.

(i) The owner or operator of an affected source shall develop and implement a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the relevant standard. As required under Sec. 63.8(c)(1)(i), the plan shall identify all routine or otherwise predictable CMS malfunctions. This plan shall be developed by the owner or operator by the source's compliance date for that relevant standard. The plan shall be incorporated by reference into the source's title V permit. The purpose of the startup, shutdown, and malfunction plan is to--

(A) Ensure that, at all times, owners or operators operate and maintain affected sources, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards;

(B) Ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of hazardous air pollutants; and

(C) Reduce the reporting burden associated with periods of startup, shutdown, and malfunction (including corrective action taken to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).

(ii) During periods of startup, shutdown, and malfunction, the owner or operator of an affected source shall operate and maintain such source (including associated air pollution control equipment) in accordance with the procedures specified in the startup, shutdown, and malfunction plan developed under paragraph (e)(3)(i) of this section.

(iii) When actions taken by the owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall keep records for that event that demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist," or other effective form of recordkeeping, that confirms conformance with the startup, shutdown, and malfunction plan for that event. In addition, the owner or operator shall keep records of these events as specified in Sec. 63.10(b) (and elsewhere in this part), including records of the occurrence and duration of each startup, shutdown, or malfunction of operation and each malfunction of the air pollution control equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in Sec. 63.10(d)(5).

(iv) If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall record the actions taken for that event and shall report such actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with Sec. 63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator (see Sec. 63.10(d)(5)(ii))).

(v) The owner or operator shall keep the written startup, shutdown, and malfunction plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the affected source or until the affected source is no longer subject to the provisions of this part. In addition, if the startup, shutdown, and

malfunction plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the startup, shutdown, and malfunction plan on record, to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

(vi) To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection when requested by the Administrator.

(vii) Based on the results of a determination made under paragraph (e)(2) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator may require reasonable revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

(A) Does not address a startup, shutdown, or malfunction event that has occurred;

(B) Fails to provide for the operation of the source (including associated air pollution control equipment) during a startup, shutdown, or malfunction event in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards; or

(C) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control equipment as quickly as practicable.

(viii) If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator shall revise the

startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control equipment.

(f) Compliance with nonopacity emission standards—

(1) Applicability. The nonopacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable **subpart**.

(2) Methods for determining compliance.

(i) The Administrator will determine compliance with nonopacity emission standards in this part based on the results of performance tests conducted according to the procedures in Sec. 63.7, unless otherwise specified in an applicable **subpart** of this part.

(ii) The Administrator will determine compliance with nonopacity emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in Sec. 63.6(e) and applicable subparts of this part.

(iii) If an affected source conducts performance testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if--

(A) The performance test was conducted within a reasonable amount of time before an initial performance test is required to be conducted under the relevant standard;

(B) The performance test was conducted under representative operating conditions for the source;

(C) The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in Sec. 63.7(e) of this **subpart**; and

(D) The performance test was appropriately quality-assured, as specified in Sec. 63.7(c) of this **subpart**.

(iv) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by review of records, inspection of the source, and other procedures specified in applicable subparts of this part.

(v) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, as specified in paragraph (e) of this section and applicable subparts of this part.

(3) Finding of compliance. The Administrator will make a finding concerning an affected source's compliance with a nonopacity emission standard, as specified in paragraphs (f)(1) and (f)(2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

(g) Use of an alternative nonopacity emission standard.

(1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act, the Administrator will publish in the Federal Register a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any Federal Register notice under this paragraph shall be published only after the public is notified and given the opportunity to comment. Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The

Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

(2) An owner or operator requesting permission under this paragraph shall, unless otherwise specified in an applicable **subpart**, submit a proposed test plan or the results of testing and monitoring in accordance with Sec. 63.7 and Sec. 63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in Sec. 63.7 and Sec. 63.8.

(3) The Administrator may establish general procedures in an applicable **subpart** that accomplish the requirements of paragraphs (g)(1) and (g)(2) of this section.

(h) Compliance with opacity and visible emission standards—

(1) Applicability. The opacity and visible emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable **subpart**.

(2) Methods for determining compliance.

(i) The Administrator will determine compliance with opacity and visible emission standards in this part based on the results of the test method specified in an applicable **subpart**. Whenever a continuous opacity monitoring system (COMS) is required to be installed to determine compliance with numerical opacity emission standards in this part, compliance with opacity emission standards in this part shall be determined by using the results from the COMS. Whenever an opacity emission test method is not specified, compliance with opacity emission standards in this part shall be determined by conducting observations in accordance with Test Method 9 in appendix A of part 60 of this chapter or the method specified in paragraph (h)(7)(ii) of this section. Whenever a visible emission test

method is not specified, compliance with visible emission standards in this part shall be determined by conducting observations in accordance with Test Method 22 in appendix A of part 60 of this chapter.

(ii) [Reserved]

(iii) If an affected source undergoes opacity or visible emission testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if--

(A) The opacity or visible emission test was conducted within a reasonable amount of time before a performance test is required to be conducted under the relevant standard;

(B) The opacity or visible emission test was conducted under representative operating conditions for the source;

(C) The opacity or visible emission test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in Sec. 63.7(e) of this **subpart**; and

(D) The opacity or visible emission test was appropriately quality-assured, as specified in Sec. 63.7(c) of this section.

(3) [Reserved]

(4) Notification of opacity or visible emission observations. The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting opacity or visible emission observations in accordance with Sec. 63.9(f), if such observations are required for the source by a relevant standard.

(5) Conduct of opacity or visible emission observations. When a relevant standard under this part includes an opacity or visible emission standard, the owner or operator of an affected source shall comply with the following:

(i) For the purpose of demonstrating initial compliance, opacity or visible emission

observations shall be conducted concurrently with the initial performance test required in Sec. 63.7 unless one of the following conditions applies:

(A) If no performance test under Sec. 63.7 is required, opacity or visible emission observations shall be conducted within 60 days after achieving the maximum production rate at which a new or reconstructed source will be operated, but not later than 120 days after initial startup of the source, or within 120 days after the effective date of the relevant standard in the case of new sources that start up before the standard's effective date. If no performance test under Sec. 63.7 is required, opacity or visible emission observations shall be conducted within 120 days after the compliance date for an existing or modified source; or

(B) If visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under Sec. 63.7, or within the time period specified in paragraph (h)(5)(i)(A) of this section, the source's owner or operator shall reschedule the opacity or visible emission observations as soon after the initial performance test, or time period, as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. The rescheduled opacity or visible emission observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under Sec. 63.7. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity or visible emission observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 or Test Method 22 in appendix A of part 60 of this chapter.

(ii) For the purpose of demonstrating initial compliance, the minimum total time of opacity observations shall be 3 hours (30 6-minute

averages) for the performance test or other required set of observations (e.g., for fugitive-type emission sources subject only to an opacity emission standard).

(iii) The owner or operator of an affected source to which an opacity or visible emission standard in this part applies shall conduct opacity or visible emission observations in accordance with the provisions of this section, record the results of the evaluation of emissions, and report to the Administrator the opacity or visible emission results in accordance with the provisions of Sec. 63.10(d).

(iv) [Reserved]

(v) Opacity readings of portions of plumes that contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity emission standards.

(6) Availability of records. The owner or operator of an affected source shall make available, upon request by the Administrator, such records that the Administrator deems necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification.

(7) Use of a continuous opacity monitoring system.

(i) The owner or operator of an affected source required to use a continuous opacity monitoring system (COMS) shall record the monitoring data produced during a performance test required under Sec. 63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of Sec. 63.10(e)(4).

(ii) Whenever an opacity emission test method has not been specified in an applicable **subpart**, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see appendix A of part 60 of this chapter), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under Sec. 63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in

writing, simultaneously with the notification under Sec. 63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under Sec. 63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under Sec. 63.7(b) of the date the subsequent performance test is scheduled to begin.

(iii) For the purposes of determining compliance with the opacity emission standard during a performance test required under Sec. 63.7 using COMS data, the COMS data shall be reduced to 6-minute averages over the duration of the mass emission performance test.

(iv) The owner or operator of an affected source using a COMS for compliance purposes is responsible for demonstrating that he/she has complied with the performance evaluation requirements of Sec. 63.8(e), that the COMS has been properly maintained, operated, and data quality-assured, as specified in Sec. 63.8(c) and Sec. 63.8(d), and that the resulting data have not been altered in any way.

(v) Except as provided in paragraph (h)(7)(ii) of this section, the results of continuous monitoring by a COMS that indicate that the opacity at the time visual observations were made was not in excess of the emission standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the affected source proves that, at the time of the alleged violation, the instrument used was properly maintained, as specified in Sec. 63.8(c), and met Performance Specification 1 in appendix B of part 60 of this chapter, and that the resulting data have not been altered in any way.

(8) Finding of compliance. The Administrator will make a finding concerning an affected source's compliance with an opacity or visible emission standard upon obtaining all the compliance information required by the relevant standard (including the written reports of the results of the performance tests required by Sec. 63.7, the results of Test Method 9 or another

required opacity or visible emission test method, the observer certification required by paragraph (h)(6) of this section, and the continuous opacity monitoring system results, whichever is/are applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

(9) Adjustment to an opacity emission standard.

(i) If the Administrator finds under paragraph (h)(8) of this section that an affected source is in compliance with all relevant standards for which initial performance tests were conducted under Sec. 63.7, but during the time such performance tests were conducted fails to meet any relevant opacity emission standard, the owner or operator of such source may petition the Administrator to make appropriate adjustment to the opacity emission standard for the affected source. Until the Administrator notifies the owner or operator of the appropriate adjustment, the relevant opacity emission standard remains applicable.

(ii) The Administrator may grant such a petition upon a demonstration by the owner or operator that--

(A) The affected source and its associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance tests;

(B) The performance tests were performed under the conditions established by the Administrator; and

(C) The affected source and its associated air pollution control equipment were incapable of being adjusted or operated to meet the relevant opacity emission standard.

(iii) The Administrator will establish an adjusted opacity emission standard for the affected source meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity emission standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate

the new opacity emission standard in the Federal Register.

(iv) After the Administrator promulgates an adjusted opacity emission standard for an affected source, the owner or operator of such source shall be subject to the new opacity emission standard, and the new opacity emission standard shall apply to such source during any subsequent performance tests.

(i) Extension of compliance with emission standards.

(1) Until an extension of compliance has been granted by the Administrator (or a State with an approved permit program) under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with all applicable requirements of this part.

(2) Extension of compliance for early reductions and other reductions—

(i) Early reductions. Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of **subpart** D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in **subpart** D.

(ii) Other reductions. Pursuant to section 112(i)(6) of the Act, if the owner or operator of an existing source has installed best available control technology (BACT) (as defined in section 169(3) of the Act) or technology required to meet a lowest achievable emission rate (LAER) (as defined in section 171 of the Act) prior to the promulgation of an emission standard in this part applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to the BACT or LAER installation, the Administrator will grant the owner or operator an extension of compliance with such emission standard that will apply until the date 5 years after the date on which such installation was achieved, as determined by the Administrator.

(3) Request for extension of compliance. Paragraphs (i)(4) through (i)(7) of this section concern requests for an extension of compliance with a relevant standard under this part (except requests for an extension of compliance under paragraph (i)(2)(i) of this section will be handled through procedures specified in **subpart** D of this part).

(4) (i) (A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

(B) Any request under this paragraph for an extension of compliance with a relevant standard shall be submitted in writing to the appropriate authority not later than 12 months before the affected source's compliance date (as specified in paragraphs (b) and (c) of this section) for sources that are not including

emission points in an emissions average, or not later than 18 months before the affected source's compliance date (as specified in paragraphs (b) and (c) of this section) for sources that are including emission points in an emissions average. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards, e.g., a compliance date specified by the standard is less than 12 (or 18) months after the standard's effective date.

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 15 calendar days after the effective date of the relevant standard.

(5) The owner or operator of an existing source that has installed BACT or technology required to meet LAER [as specified in paragraph (i)(2)(ii) of this section] prior to the promulgation of a relevant emission standard in this part may request that the Administrator grant an extension allowing the source 5 years from the date on which such installation was achieved, as determined by the Administrator, to comply with the standard. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 120 days after the promulgation date of the standard. The Administrator may grant such an extension if he or she finds that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants)

that would be controlled at that source by the relevant emission standard.

(6) (i) The request for a compliance extension under paragraph (i)(4) of this section shall include the following information:

(A) A description of the controls to be installed to comply with the standard;

(B) A compliance schedule, including the date by which each step toward compliance will be reached. At a minimum, the list of dates shall include:

(1) The date by which contracts for emission control systems or process changes for emission control will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process changes;

(2) The date by which on-site construction, installation of emission control equipment, or a process change is to be initiated;

(3) The date by which on-site construction, installation of emission control equipment, or a process change is to be completed; and

(4) The date by which final compliance is to be achieved;

(C) A description of interim emission control steps that will be taken during the extension period, including milestones to assure proper operation and maintenance of emission control and process equipment; and

(D) Whether the owner or operator is also requesting an extension of other applicable requirements (e.g., performance testing requirements).

(ii) The request for a compliance extension under paragraph (i)(5) of this section shall include all information needed to demonstrate to the Administrator's satisfaction that the

installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(7) Advice on requesting an extension of compliance may be obtained from the Administrator (or the State with an approved permit program).

(8) Approval of request for extension of compliance. Paragraphs (i)(9) through (i)(14) of this section concern approval of an extension of compliance requested under paragraphs (i)(4) through (i)(6) of this section.

(9) Based on the information provided in any request made under paragraphs (i)(4) through (i)(6) of this section, or other information, the Administrator (or the State with an approved permit program) may grant an extension of compliance with an emission standard, as specified in paragraphs (i)(4) and (i)(5) of this section.

(10) The extension will be in writing and will--

(i) Identify each affected source covered by the extension;

(ii) Specify the termination date of the extension;

(iii) Specify the dates by which steps toward compliance are to be taken, if appropriate;

(iv) Specify other applicable requirements to which the compliance extension applies (e.g., performance tests); and

(v) (A) Under paragraph (i)(4), specify any additional conditions that the Administrator (or the State) deems necessary to assure installation of the necessary controls and protection of the health of persons during the extension period; or

(B) Under paragraph (i)(5), specify any additional conditions that the Administrator deems necessary to assure the proper operation and maintenance of the installed controls during the extension period.

(11) The owner or operator of an existing source that has been granted an extension of compliance under

paragraph (i)(10) of this section may be required to submit to the Administrator (or the State with an approved permit program) progress reports indicating whether the steps toward compliance outlined in the compliance schedule have been reached. The contents of the progress reports and the dates by which they shall be submitted will be specified in the written extension of compliance granted under paragraph (i)(10) of this section.

(12) (i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(ii) When notifying the owner or operator that his/her application s not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator (or the State with an approved permit program) will notify the owner or operator in writing of the Administrator's (or the State's) intention to issue the denial, together with--

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15

calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator (or the State) before further action on the request.

(iv) The Administrator's final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(13) (i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(ii) of this section. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 15 calendar days after receipt of the original application and within 15 calendar days after receipt of any supplementary information that is submitted.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 15 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator will notify the owner or operator in writing of the Administrator's intention to issue the denial, together with--

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator before further action on the request.

(iv) A final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(14) The Administrator (or the State with an approved permit program) may terminate an extension of compliance at an earlier date than specified if any specification under paragraphs (i)(10)(iii) or (i)(10)(iv) of this section is not met.

15) [Reserved]

16) The granting of an extension under this section shall not abrogate the Administrator's authority under section 114 of the Act.

(j) Exemption from compliance with emission standards. The President may exempt any stationary source from compliance with any relevant standard established pursuant to section 112 of the Act for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years.

Sec. 63.7 Performance testing requirements.

(a) Applicability and performance test dates.

(1) Unless otherwise specified, this section applies to the owner or operator of an affected source required to do performance testing, or another form of compliance demonstration, under a relevant standard.

(2) If required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source shall perform such tests as follows--

(i) Within 180 days after the effective date of a relevant standard for a new source that has an initial startup date before the effective date; or

(ii) Within 180 days after initial startup for a new source that has an initial startup date after the effective date of a relevant standard; or

(iii) Within 180 days after the compliance date specified in an applicable **subpart** of this part for an existing source subject to an emission standard established pursuant to section 112(d) of the Act, or within 180 days after startup of an existing source if the source begins operation after the effective date of the relevant emission standard; or

(iv) Within 180 days after the compliance date for an existing source subject to an emission standard established pursuant to section 112(f) of the Act; or

(v) Within 180 days after the termination date of the source's extension of compliance for an existing source that obtains an extension of compliance under Sec. 63.6(i); or

(vi) Within 180 days after the compliance date for a new source, subject to an emission standard established pursuant to section 112(f) of the Act, for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of the relevant standard established pursuant to section 112(f) [see Sec. 63.6(b)(4)]; or

(vii) [Reserved]; or

(viii) [Reserved]; or

(ix) When an emission standard promulgated under this part is more stringent than the standard proposed (see Sec. 63.6(b)(3)), the owner or

operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

(3) The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by section 114 of the Act.

(b) Notification of performance test.

(1) The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator, upon request, to review and approve the site-specific test plan required under paragraph (c) of this section and to have an observer present during the test. Observation of the performance test by the Administrator is optional.

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section, due to unforeseeable circumstances beyond his or her control, the owner or operator shall notify the Administrator within 5 days prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of this part or with any other applicable Federal, State, or local requirement, nor will it prevent the

Administrator from implementing or enforcing this part or taking any other action under the Act.

(c) Quality assurance program.

(1) The results of the quality assurance program required in this paragraph will be considered by the Administrator when he/she determines the validity of a performance test.

(2) (i) Submission of site-specific test plan. Before conducting a required performance test, the owner or operator of an affected source shall develop and, if requested by the Administrator, shall submit a site-specific test plan to the Administrator for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.

(iii) The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by the Administrator and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

(v) The Administrator may request additional relevant information after the submittal of a site-specific test plan.

(3) Approval of site-specific test plan.

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (c)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intention to disapprove the plan together with--

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present, within 30 calendar days after he/she is notified of the intended disapproval, additional information to the Administrator before final action on the plan.

(ii) In the event that the Administrator fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (c)(3)(i) of this section, the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard, the owner or operator shall conduct the performance test within the time specified in this section using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator shall refrain from conducting the performance test until the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if

review of the site-specific test plan is requested) or until after the alternative method is approved (see paragraph (f) of this section). If the Administrator does not approve the site-specific test plan (if review is requested) or the use of the alternative method within 30 days before the test is scheduled to begin, the performance test dates specified in paragraph (a) of this section may be extended such that the owner or operator shall conduct the performance test within 60 calendar days after the Administrator approves the site-specific test plan or after use of the alternative method is approved. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

(iii) Neither the submission of a site-specific test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall--

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(4) (i) Performance test method audit program. The owner or operator shall analyze performance audit (PA) samples during each performance test. The owner or operator shall request performance audit materials 45 days prior to the test date. Cylinder audit gases, if available, must be obtained from the appropriate EPA Regional Office or from the responsible enforcement authority and analyzed in conjunction with the field samples.

(ii) The Administrator will have sole discretion to require any subsequent remedial actions of the owner or operator based on the PA results.

(iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.

(d) Performance testing facilities. If required to do performance testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source, shall provide performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such source. This includes:

(i) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures; and

(ii) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;

(2) Safe sampling platform(s);

(3) Safe access to sampling platform(s);

(4) Utilities for sampling and testing equipment; and

(5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.

(e) Conduct of performance tests.

(1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall

emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under Sec. 63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator--

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology; or

(ii) Approves the use of an alternative test method, the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or

(iii) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors; or

(iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.

(3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that--

(i) A sample is accidentally lost after the testing team leaves the site; or

(ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or

iii) Extreme meteorological conditions occur; or

iv) Other circumstances occur that are beyond the owner or operator's control.

(4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(f) Use of an alternative test method –

(1) General. Until permission to use an alternative test method has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator--

(i) Notifies the Administrator of his or her intention to use an alternative test method not later than with the submittal of the site-specific test plan (if requested by the Administrator) or at least 60 days before the performance test is scheduled to begin if a site-specific test plan is not submitted;

(ii) Uses Method 301 in appendix A of this part to validate the alternative test method; and

(iii) Submits the results of the Method 301 validation process along with the notification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.

(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate when the Administrator approves or disapproves the site-specific test plan

required under paragraph (c) of this section. If the Administrator finds reasonable grounds to dispute the results obtained by the Method 301 validation process, the Administrator may require the use of a test method specified in a relevant standard.

(4) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the Administrator may require the use of a test method specified in a relevant standard.

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under Sec. 63.7(f).

(6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the requirements of this part.

(g) Data analysis, recordkeeping, and reporting.

(1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is "completed" when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator (see Sec. 63.9(i)). The results of the performance test shall be submitted as part of the notification of compliance status required under Sec. 63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) [Reserved]

(3) For a minimum of 5 years after a performance test is conducted, the owner or operator shall retain and make available, upon request, for inspection by the Administrator the records or results of such performance test and other data needed to determine emissions from an affected source.

(h) Waiver of performance tests.

(1) Until a waiver of a performance testing requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Individual performance tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the relevant standard(s) on a continuous basis, or the source is being operated under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) Request to waive a performance test.

(i) If a request is made for an extension of compliance under Sec. 63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested an extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test if the site-specific test plan under paragraph (c) of this section is not submitted.

(ii) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring system performance report [such as those required under Sec. 63.6(i), Sec. 63.9(h), and Sec. 63.10(e) or specified in a relevant standard or in the source's title V permit], but it shall be submitted at least 60 days before the performance test if the site-specific test

plan required under paragraph (c) of this section is not submitted.

(iii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test.

(4) Approval of request to waive performance test. The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (h)(3) of this section when he/she--

(i) Approves or denies an extension of compliance under Sec. 63.6(i)(8); or

(ii) Approves or disapproves a site-specific test plan under Sec. 63.7(c)(3); or

(iii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iv) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

[59 FR 12430, Mar. 16, 1994, as amended at 65 FR 62215, Oct. 17, 2000]

Sec. 63.8 Monitoring requirements.

(a) Applicability.

(1) (i) Unless otherwise specified in a relevant standard, this section applies to the owner or operator of an affected source required to do monitoring under that standard.

(ii) Relevant standards established under this part will specify monitoring systems, methods, or procedures, monitoring frequency, and other pertinent requirements for source(s) regulated by those standards. This section specifies

general monitoring requirements such as those governing the conduct of monitoring and requests to use alternative monitoring methods. In addition, this section specifies detailed requirements that apply to affected sources required to use continuous monitoring systems (CMS) under a relevant standard.

(2) For the purposes of this part, all CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in Sec. 63.11.

(b) Conduct of monitoring.

(1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator--

(i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures; or

(ii) Approves the use of alternatives to any monitoring requirements or procedures.

(iii) Owners or operators with flares subject to Sec. 63.11(b) are not subject to the requirements of this section unless otherwise specified in the relevant standard.

(2) (i) When the effluents from a single affected source, or from two or more affected sources, are combined before being released to the atmosphere, the owner or operator shall install an applicable CMS on each effluent.

(ii) If the relevant standard is a mass emission standard and the effluent from one affected source is released to the atmosphere through more than one point, the owner or operator shall install an applicable CMS at each emission point unless the installation of fewer systems is--

(A) Approved by the Administrator; or

(B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

(3) When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, the owner or operator shall report the results from the CMS used to meet the monitoring requirements of this part. If both such CMS are used during a particular reporting period to meet the monitoring requirements of this part, then the owner or operator shall report the results from each CMS for the relevant compliance period.

(c) Operation and maintenance of continuous monitoring systems.

(1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.

(i) The owner or operator of an affected source shall ensure the immediate repair or replacement of CMS parts to correct "routine" or otherwise predictable CMS malfunctions as defined in the source's startup, shutdown, and malfunction plan required by Sec. 63.6(e)(3). The owner or operator shall keep the necessary parts for routine repairs of the affected equipment readily available. If the plan is followed and the CMS repaired immediately, this action shall be reported in the semiannual startup, shutdown, and malfunction report required under Sec. 63.10(d)(5)(i).

(ii) For those malfunctions or other events that affect the CMS and are not addressed by the startup, shutdown, and malfunction plan, the owner or operator shall report actions that are not consistent with the startup, shutdown, and malfunction plan within 24 hours after commencing actions inconsistent with the plan. The owner or operator shall send a follow-up report within 2 weeks after commencing actions inconsistent with the plan that either

certifies that corrections have been made or includes a corrective action plan and schedule. The owner or operator shall provide proof that repair parts have been ordered or any other records that would indicate that the delay in making repairs is beyond his or her control.

(iii) The Administrator's determination of whether acceptable operation and maintenance procedures are being used will be based on information that may include, but is not limited to, review of operation and maintenance procedures, operation and maintenance records, manufacturing recommendations and specifications, and inspection of the CMS. Operation and maintenance procedures written by the CMS manufacturer and other guidance also can be used to maintain and operate each CMS.

(2) All CMS shall be installed such that representative measurements of emissions or process parameters from the affected source are obtained. In addition, CEMS shall be located according to procedures contained in the applicable performance specification(s).

(3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under Sec. 63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(5) Unless otherwise approved by the Administrator, minimum procedures for COMS shall include a method for producing a simulated zero opacity condition and an upscale (high-level) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of all the analyzer's internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity.

(6) The owner or operator of a CMS installed in accordance with the provisions of this part and the applicable CMS performance specification(s) shall check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (e)(3)(ii) of this section. The zero (low-level) and high-level calibration drifts shall be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system must allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases shall be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces shall be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity.

(7) (i) A CMS is out of control if--

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or

(B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or

(C) The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.

(ii) When the CMS is out of control, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests which indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the CMS is out of control, recorded data shall not be used in data averages and calculations, or to meet any data availability requirement established under this part.

(8) The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in Sec. 63.10(e)(3).

(d) Quality control program.

(1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

(2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

(i) Initial and any subsequent calibration of the CMS;

(ii) Determination and adjustment of the calibration drift of the CMS;

(iii) Preventive maintenance of the CMS, including spare parts inventory;

(iv) Data recording, calculations, and reporting;

(v) Accuracy audit procedures, including sampling and analysis methods; and

(vi) Program of corrective action for a malfunctioning CMS.

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

(e) Performance evaluation of continuous monitoring systems—

(1) General. When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.

(2) Notification of performance evaluation. The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under Sec. 63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

(3) (i) Submission of site-specific performance evaluation test plan. Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).

(iv) The Administrator may request additional relevant information after the submittal of a site-specific performance evaluation test plan.

(v) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in Sec. 63.7(c)(3), the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the

relevant standard, the owner or operator shall conduct the performance evaluation within the time specified in this **subpart** using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Administrator approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance evaluation as required in this section (without the Administrator's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.

(vi) Neither the submission of a site-specific performance evaluation test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator' failure to approve or disapprove a plan in a timely manner shall--

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(4) Conduct of performance evaluation and performance evaluation dates. The owner or operator of an

affected source shall conduct a performance evaluation of a required CMS during any performance test required under Sec. 63.7 in accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under Sec. 63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before the performance test required under Sec. 63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under Sec. 63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in Sec. 63.7(a), or as otherwise specified in the relevant standard.

(5) Reporting performance evaluation results.

(i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation simultaneously with the results of the performance test required under Sec. 63.7 or within 60 days of completion of the performance evaluation if no test is required, unless otherwise specified in a relevant standard. The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under Sec. 63.7 and described in Sec. 63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under Sec. 63.7 is conducted.

(f) Use of an alternative monitoring method—

(1) General. Until permission to use an alternative monitoring method has been granted by the

Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring methods or procedures of this part including, but not limited to, the following:

(i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;

(ii) Alternative monitoring requirements when the affected source is infrequently operated;

(iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;

(iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;

(v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;

(vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;

(vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;

(viii) Alternative CMS that do not meet the design or performance requirements in this part, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The Administrator may require that such

demonstration be performed for each affected source; or

(ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.

(3) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the Administrator may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.

(4) (i) Request to use alternative monitoring method. An owner or operator who wishes to use an alternative monitoring method shall submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section, below. The application may be submitted at any time provided that the monitoring method is not used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring method is to be used to demonstrate compliance with a relevant standard, the application shall be submitted not later than with the site-specific test plan required in Sec. 63.7(c) (if requested) or with the site-specific performance evaluation plan (if requested) or at least 60 days before the performance evaluation is scheduled to begin.

(ii) The application shall contain a description of the proposed alternative monitoring system and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application shall include information justifying the owner or operator’s request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

(iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in

paragraph (f)(4)(i) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this section or the relevant standard.

(5) Approval of request to use alternative monitoring method.

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with--

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present additional information to the Administrator before final action on the request. At the time the Administrator notifies the applicant of his or her intention to disapprove the request, the Administrator will specify how much time the owner or operator will have after being notified of the intended disapproval to submit the additional information.

(ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by Sec. 63.8(f).

(6) Alternative to the relative accuracy test. An alternative to the relative accuracy test for CEMS

specified in a relevant standard may be requested as follows:

(i) Criteria for approval of alternative procedures. An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in Sec. 63.7, or other tests performed following the criteria in Sec. 63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(ii) Petition to use alternative to relative accuracy test. The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

(iii) Rescission of approval to use alternative to relative accuracy test. The Administrator will review the permission to use an

alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

(g) Reduction of monitoring data.

(1) The owner or operator of each CMS shall reduce the monitoring data as specified in this paragraph. In addition, each relevant standard may contain additional requirements for reducing monitoring data. When additional requirements are specified in a relevant standard, the standard will identify any unnecessary or duplicated requirements in this paragraph that the owner or operator need not comply with.

(2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-

hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in Sec. 63.2.

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or ng/J of pollutant).

(4) All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments shall not be included in any data average computed under this part. For owners or operators complying with the requirements of Sec. 63.10(b)(2)(vii) (A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999]

Sec. 63.9 Notification requirements.

(a) Applicability and general information.

(1) The requirements in this section apply to owners and operators of affected sources that are subject to the provisions of this part, unless specified otherwise in a relevant standard.

(2) For affected sources that have been granted an extension of compliance under **subpart** D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State

to satisfy the requirements of this section for that notification.

(4) (i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in Sec. 63.13).

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

(b) Initial notifications.

(1) (i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

(ii) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under Sec. 63.5(d) of this **subpart**, if relevant, to

fulfill the initial notification requirements of this paragraph.

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

(iv) A brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant; and

(v) A statement of whether the affected source is a major source or an area source.

(3) The owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date of a relevant standard under this part and for which an application for approval of construction or reconstruction is not required under Sec. 63.5(d), shall notify the Administrator in writing that the source is subject to the relevant standard no later than 120 days after initial startup. The notification shall provide all the information required in paragraphs (b)(2)(i) through (b)(2)(v) of this section, delivered or postmarked with the notification required in paragraph (b)(5).

(4) The owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of a relevant standard under this part and for which an application for approval of

construction or reconstruction is required under Sec. 63.5(d) shall provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major affected source, reconstruct a major affected source, or reconstruct a major source such that the source becomes a major affected source with the application for approval of construction or reconstruction as specified in Sec. 63.5(d)(1)(i);

(ii) A notification of the date when construction or reconstruction was commenced, submitted simultaneously with the application for approval of construction or reconstruction, if construction or reconstruction was commenced before the effective date of the relevant standard;

(iii) A notification of the date when construction or reconstruction was commenced, delivered or postmarked not later than 30 days after such date, if construction or reconstruction was commenced after the effective date of the relevant standard;

(iv) [Reserved]

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) After the effective date of any relevant standard established by the Administrator under this part, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, an owner or operator who intends to construct a new affected source or reconstruct an affected source subject to such standard, or reconstruct a source such that it becomes an affected source subject to such standard, shall notify the Administrator, in writing, of the intended construction or reconstruction. The notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard) if the construction or reconstruction commences after the effective date of a relevant standard promulgated in this part. The notification shall be submitted as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard promulgated in this part if the construction

or reconstruction had commenced and initial startup had not occurred before the standard's effective date. The notification shall include all the information required for an application for approval of construction or reconstruction as specified in Sec. 63.5(d). For major sources, the application for approval of construction or reconstruction may be used to fulfill the requirements of this paragraph.

(c) Request for extension of compliance. If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with Sec. 63.6(i)(5) of this **subpart**, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in Sec. 63.6(i)(4) through Sec. 63.6(i)(6).

(d) Notification that source is subject to special compliance requirements. An owner or operator of a new source that is subject to special compliance requirements as specified in Sec. 63.6(b)(3) and Sec. 63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) Notification of performance test. The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under Sec. 63.7(c), if requested by the Administrator, and to have an observer present during the test.

(f) Notification of opacity and visible emission observations. The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in Sec. 63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under Sec. 63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.

(g) Additional notification requirements for sources with continuous monitoring systems. The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

(1) A notification of the date the CMS performance evaluation under Sec. 63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under Sec. 63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under Sec. 63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;

(2) A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test required by Sec. 63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by Sec. 63.6(h)(7)(ii), if compliance with an opacity emission standard is required for the source by a relevant standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by Sec. 63.8(f)(6), has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

(h) Notification of compliance status.

(1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

(2) (i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the

relevant standard. The notification shall list--

(A) The methods that were used to determine compliance;

(B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

(C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(E) An analysis demonstrating whether the affected source is a major source or an area source (using the emissions data generated for this notification);

(F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

(ii) The notification shall be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in a relevant standard, in which case the letter shall be sent before the close of business on the day the report of the relevant testing or

monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations.

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in Sec. 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of Sec. 63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

(i) Adjustment to time periods or postmark deadlines for submittal and review of required communications.

(1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) Change in information already provided. Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999]

Sec. 63.10 Recordkeeping and reporting requirements.

(a) Applicability and general information.

(1) The requirements of this section apply to owners or operators of affected sources who are subject to the provisions of this part, unless specified otherwise in a relevant standard.

(2) For affected sources that have been granted an extension of compliance under **subpart** D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4) (i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in Sec. 63.13).

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph

(a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in Sec. 63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in Sec. 63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61

standard, whichever is latest. Procedures governing the implementation of this provision are specified in Sec. 63.9(i).

(b) General recordkeeping requirements.

(1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of--

(i) The occurrence and duration of each startup, shutdown, or malfunction of operation (i.e., process equipment);

(ii) The occurrence and duration of each malfunction of the air pollution control equipment;

(iii) All maintenance performed on the air pollution control equipment;

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see Sec. 63.6(e)(3));

(v) All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see Sec. 63.6(e)(3)) when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual

manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all

subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under Sec. 63.8(f)(6); and

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

(3) Recordkeeping requirement for applicability determinations. If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under this part, the owner or operator shall keep a record of the applicability

determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) shall be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis shall be performed in accordance with requirements established in subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any.

(c) Additional recordkeeping requirements for sources with continuous monitoring systems. In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of--

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2)-(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) The date and time identifying each period during which the CMS was out of control, as defined in Sec. 63.8(c)(7);

(7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s),

that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(9) [Reserved]

(10) The nature and cause of any malfunction (if known);

(11) The corrective action taken or preventive measures adopted;

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(13) The total process operating time during the reporting period; and

(14) All procedures that are part of a quality control program developed and implemented for CMS under Sec. 63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in Sec. 63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) General reporting requirements.

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) Reporting results of performance tests. Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under Sec. 63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified

otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under Sec. 63.9(h).

(3) Reporting results of opacity or visible emission observations. The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under Sec. 63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under Sec. 63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

(4) Progress reports. The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under Sec. 63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(5) (i) Periodic startup, shutdown, and malfunction reports. If actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan [see Sec. 63.6(e)(3)], the owner or operator shall state such information in a startup, shutdown, and malfunction report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and

malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) Immediate startup, shutdown, and malfunction reports. Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the

circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred. Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph are specified in Sec. 63.9(i).

(e) Additional reporting requirements for sources with continuous monitoring systems—

(1) General. When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.

(2) Reporting results of continuous monitoring system performance evaluations.

(i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under Sec. 63.8(e), simultaneously with the results of the performance test required under Sec. 63.7, unless otherwise specified in the relevant standard.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under Sec. 63.7 and described in Sec. 63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under Sec. 63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under Sec. 63.7 is conducted.

(3) Excess emissions and continuous monitoring system performance report and summary report.

(i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when--

(A) More frequent reporting is specifically required by a relevant standard;

(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

(C) [Reserved]

(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports. Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this **subpart** and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with

a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) Content and submittal dates for excess emissions and monitoring system performance reports. All excess emissions and monitoring system performance reports and all summary

reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in Sec. 63.8(c)(7) and Sec. 63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

(vi) Summary report. As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report--Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:

(A) The company name and address of the affected source;

(B) An identification of each hazardous air pollutant monitored at the affected source;

(C) The beginning and ending dates of the reporting period;

(D) A brief description of the process units;

(E) The emission and operating parameter limitations specified in the relevant standard(s);

(F) The monitoring equipment manufacturer(s) and model number(s);

(G) The date of the latest CMS certification or audit;

(H) The total operating time of the affected source during the reporting period;

(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

(J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;

(K) A description of any changes in CMS, processes, or controls since the last reporting period;

(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and

(M) The date of the report.

(vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period,

only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

(4) Reporting continuous opacity monitoring system data produced during a performance test. The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under Sec. 63.7 and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in paragraph (d)(2) of this section.

(f) Waiver of recordkeeping or reporting requirements.

(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under Sec. 63.6(i), any required compliance progress report or compliance status report required under this part (such as under Sec. 63.6(i) and Sec. 63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section,

whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she--

(i) Approves or denies an extension of compliance; or

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999]

Sec. 63.11 Control device requirements.

(a) Applicability. This section contains requirements for control devices used to comply with provisions in relevant standards. These requirements apply only to affected sources covered by relevant standards referring directly or indirectly to this section.

(b) Flares.

(1) Owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

(2) Flares shall be steam-assisted, air-assisted, or non-assisted.

(3) Flares shall be operated at all times when emissions may be vented to them.

(4) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.

(5) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(6) An owner/operator has the choice of adhering to the heat content specifications in paragraph (b)(6)(ii) of this section, and the maximum tip velocity specifications in paragraph (b)(7) or (b)(8) of this section, or adhering to the requirements in paragraph (b)(6)(i) of this section.

(i) (A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume) or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity V_{max}, as determined by the following equation:

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

Where:

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

K_1 = Constant, 6.0 volume-percent hydrogen.

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

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in Sec. 63.14).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (b)(7)(i) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted at 7.45 M/scm (200 Btu/scf) or greater if the flares is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

Where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C.

K=Constant=

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

where the standard temperature for (g-mole/scm) is 20°C.

C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946-77 or 90 (Reapproved 1994) (incorporated by reference as specified in Sec. 63.14).

H_i = Net heat of combustion of sample component i, kcal/g-mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 (incorporated by reference as specified in Sec. 63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

(7) (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow rate of gas being combusted (in units of emission standard temperature and pressure), as determined by Test Method 2, 2A, 2C, or 2D in appendix A to 40 CFR part 60 of this chapter, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec), are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, less than the velocity V_{max}, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

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

Where:

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

28.8 = Constant.

31.7 = Constant.

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

(8) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity V_{max}.

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

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

Where:

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

8.71 = Constant.

0.708= Constant.

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

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 24444, May 4, 1998; 65 FR 62215, Oct. 17, 2000]

Sec. 63.12 State authority and delegations.

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from--

(1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;

(2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or

(3) Requiring emission reductions in excess of those specified in **subpart** D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.

(b) (1) Section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.

(2) **Subpart** E of this part establishes procedures consistent with section 112(l) for the approval of

State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. **Subpart** E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

Sec. 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated in the following list of EPA Regional Offices.

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, J.F.K. Federal Building, Boston, MA 02203-2211.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 26 Federal Plaza, New York, NY 10278.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air, Radiation and Toxics Division, 841 Chestnut Street, Philadelphia, PA 19107.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Director, Air, Pesticides and Toxics, Management Division, 345 Courtland Street, N.E., Atlanta, GA 30365.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Toxics Division, 726 Minnesota Avenue, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Division, 999 18th Street, 1 Denver Place, Suite 500, Denver, CO 80202-2405.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, WA 98101.

(b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 66061, Dec. 1, 1998]

Sec. 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

(1) ASTM D523-89, Standard Test Method for Specular Gloss, IBR approved for Sec. 63.782.

(2) ASTM D1193-77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 306, Sections 7.2.1 and 7.4.2.

(3) ASTM D1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Appendix A: Method 306B, Sections 6.2, 11.1, and 12.2.2.

(4) ASTM D1475-90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for Sec. 63.788, Appendix A.

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for Sec. 63.11(b)(6).

(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for Sec. 63.788, Appendix A.

(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for Sec. 63.11(b)(6).

(8) ASTM D2879-83, 96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for Sec. 63.111 of **Subpart** G.

(9) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for Sec. 63.786(b).

(10) ASTM 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for Sec. 63.365(e)(1) of **Subpart** O.

(11) ASTM D3792-91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for Sec. 63.788, Appendix A.

(12) ASTM D3912-80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for Sec. 63.782.

(13) ASTM D4017-90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for Sec. 63.788, Appendix A.

(14) ASTM D4082-89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants, IBR approved for Sec. 63.782.

(15) ASTM D4256-89, 94, Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for Sec. 63.782.

(16) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for Sec. 63.11(b)(6).

(17) ASTM E180-93, Standard Practice for Determining the Precision of ASTM Methods for Analysis and Testing of Industrial Chemicals, IBR approved for Sec. 63.786(b).

(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for Secs. 63.750(b)(2) and 63.786(b)(5).

(c) The materials listed below are available for purchase from the American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for Sec. 63.111 of **subpart** G of this part.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for Sec. 63.150(g)(3)(i)(C) of **subpart** G of this part.

(3) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2, Evaporative Loss From Floating-Roof Tanks (formerly API Publications 2517 and 2519), First Edition, April 1997, IBR approved for Sec. 63.1251 of **subpart** GGG of this part.

(d) State and Local Requirements. The materials listed below are available at the Air and Radiation Docket and

Information Center, U.S. EPA, 401 M St., SW., Washington, DC.

(1) California Regulatory Requirements Applicable to the Air Toxics Program, January 5, 1999, IBR approved for Sec. 63.99(a)(5)(ii) of **subpart** E of this part.

(2) Revisions to Puget Sound Clean Air Regulation III, section 3.03, Perchloroethylene Dry Cleaners adopted on November 9, 1995, IBR approved for section 63.99 (a)(47)(ii) of **subpart** E of this part.

(e) The materials listed below are available for purchase from the National Institute of Standards and Technology, Springfield, VA 22161, (800) 553-6847.

(1) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices 1998, IBR approved for Sec. 63.1303(e)(3).

(2) [Reserved]

(f) The following material is available from the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P. O. Box 133318, Research Triangle Park, NC 27709-3318 or at http://www.ncasi.org: NCASI Method DI/MEOH-94.02, Methanol in Process Liquids GC/FID (Gas Chromatography/Flame Ionization Detection), August 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for Sec. 63.457(c)(3)(ii) of **subpart** S of this part.

(g) The materials listed below are available for purchase from AOAC International, Customer Services, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia, 22201-3301, Telephone (703) 522-3032, Fax (703) 522-5468.

(1) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for Sec. 63.626(d)(3)(vi).

(2) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for Sec. 63.626(d)(3)(vi).

(3) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for Sec. 63.626(d)(3)(vi).

(4) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution,

Sixteenth edition, 1995, IBR approved for Sec. 63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for Sec. 63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for Sec. 63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for Sec. 63.626(d)(3)(vi).

(h) The materials listed below are available for purchase from The Association of Florida Phosphate Chemists, P.O. Box 1645, Bartow, Florida, 33830, Book of Methods Used and Adopted By The Association of Florida Phosphate Chemists, Seventh Edition 1991, IBR.

(1) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for Sec. 63.606(c)(3)(ii) and Sec. 63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus--P_2O_5 or $Ca_3(PO_4)_2$, Method A-Volumetric Method, IBR approved for Sec. 63.606(c)(3)(ii) and Sec. 63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method B--Gravimetric Quimociac Method, IBR approved for Sec. 63.606(c)(3)(ii) and Sec. 63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method C--Spectrophotometric Method, IBR approved for Sec. 63.606(c)(3)(ii) and Sec. 63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Super phosphate, Triple Super phosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method A--Volumetric Method, IBR approved for Sec. 63.606(c)(3)(ii), Sec. 63.626(c)(3)(ii), and Sec. 63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Super phosphate, Triple Super phosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method B--Gravimetric Quimociac Method, IBR approved for Sec. 63.606(c)(3)(ii), Sec. 63.626(c)(3)(ii), and Sec. 63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Super phosphate, Triple Super phosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method C--Spectrophotometric Method, IBR approved for Sec. 63.606(c)(3)(ii), Sec. 63.626(c)(3)(ii), and Sec. 63.626(d)(3)(v).

[59 FR 12430, Mar. 16, 1994, as amended at 59 FR 19453, Apr. 22, 1994; 63 FR 50326, Sept. 21, 1998; 63 FR 53996, Oct. 7, 1998; 64 FR 4300, Jan. 28, 1999; 64 FR 17562, Apr. 12, 1999; 64 FR 31375, June 10, 1999; 65 FR 62215, Oct. 17, 2000; 66 FR 14324, Mar. 12, 2001]

Effective Date Note: At 66 FR 30822, June 8, 2001, Sec. 63.14 was amended by adding paragraph (d)(3) effective Aug. 8, 2001. For the convenience of the user, the added text appears as follows:

Sec. 63.14 Incorporation by Reference.

* * * * *

(d) * * *

(3) (i) Letter of June 7, 1999 to the U.S. Environmental Protection Agency Region 3 from the Delaware Department of Natural Resources and Environmental Control requesting formal full delegation to take over primary responsibility for implementation and enforcement of the Chemical Accident Prevention Program under Section 112(r) of the Clean Air Act Amendments of 1990.

(ii) Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Accidental Release Prevention Regulation, sections 1 through 5 and sections 7 through 14, effective January 11, 1999, IBR approved for Sec. 63.99(a)(8)(i) of **subpart** E of this part.

* * * * *

Sec. 63.15 Availability of information and confidentiality.

(a) Availability of information.

(1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of

compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.

(2) The availability to the public of information provided to or otherwise obtained by the Administrator under this part shall be governed by part 2 of this chapter.

(b) Confidentiality.

(1) If an owner or operator is required to submit information entitled to protection from disclosure under section 114(c) of the Act, the owner or operator may submit such information separately. The requirements of section 114(c) shall apply to such information.

(2) The contents of a title V permit shall not be entitled to protection under section 114(c) of the Act; however, information submitted as part of an application for a title V permit may be entitled to protection from disclosure.

40 CFR 63 Subpart GGGG--National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

Source: 66 FR 19011, Apr. 12, 2001, unless otherwise noted.

What This Subpart Covers

Sec. 63.2830 What is the purpose of this subpart**?**

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for emissions during vegetable oil production. This subpart limits hazardous air pollutant (HAP) emissions from specified vegetable oil production processes. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission standards.

Sec. 63.2831 Where can I find definitions of key words used in this subpart?

You can find definitions of key words used in this subpart in Sec. 63.2872.

Sec. 63.2832 Am I subject to this subpart?

(a) You are an affected source subject to this subpart if you meet all of the criteria listed in paragraphs (a)(1) and (2) of this section:

(1) You own or operate a vegetable oil production process that is a major source of HAP emissions or is collocated within a plant site with other sources that are individually or collectively a major source of HAP emissions.

(i) A vegetable oil production process is defined in Sec. 63.2872. In general, it is the collection of continuous process equipment and activities that produce crude vegetable oil and meal products by removing oil from oilseeds listed in Table 1 to Sec. 63.2840 through direct contact with an organic solvent, such as a hexane isomer blend.

(ii) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year.

(2) Your vegetable oil production process processes any combination of eight types of oilseeds listed in paragraphs (a)(2)(i) through (viii) of this section:

(i) Corn germ;

(ii) Cottonseed;

(iii) Flax;

(iv) Peanut;

(v) Rapeseed (for example, canola);

(vi) Safflower;

(vii) Soybean; and

(viii) Sunflower.

(b) You are not subject to this subpart if your vegetable oil production process meets any of the criteria listed in paragraphs (b)(1) through (4) of this section:

(1) It uses only mechanical extraction techniques that use no organic solvent to remove oil from a listed oilseed.

(2) It uses only batch solvent extraction and batch desolventizing equipment.

(3) It processes only agricultural products that are not listed oilseeds as defined in Sec. 63.2872.

(4) It functions only as a research and development facility and is not a major source.

(c) As listed in Sec. 63.1(c)(5) of the General Provisions, if your HAP emissions increase such that you become a major source, then you are subject to all of the requirements of this subpart.

Sec. 63.2833 Is my source categorized as existing or new?

(a) This subpart applies to each existing and new affected source. You must categorize your vegetable oil production process as either an existing or a new source in accordance with the criteria in Table 1 of this section, as follows:

TABLE 1 TO § 63.2833.—CATEGORIZING YOUR SOURCE AS EXISTING OR NEW

If your affected source	And if	Then your affected source
(1) was constructed or began construction before May 26, 2000	reconstruction has not occurred	is an existing source
(2) began reconstruction, as defined in § 63.2, on or after May 26, 2000.	(i) reconstruction was part of a scheduled plan to comply with the existing source requirements of this subpart; and.	
	(ii) reconstruction was completed no later than 3 years after the effective date of this subpart.	remains an existing source.
(3) began a significant modification, as defined in § 63. 2872, at any time on an existing source.	the modification does not constitute re-construction.	remains an existing source.

If your affected source	And if	Then your affected source
(4) began a significant modification, as defined in § 63. 2872, at any time on a new source.	the modification does not constitute re-construction	remains a new source
(5) began reconstruction on or after May 26, 2000.	reconstruction was completed later than 3 years after the effective date of this subpart.	is a new source.
(6) began construction on or after May 26, 2000.		is a new source.

(b) Reconstruction of a source. Any affected source is reconstructed if components are replaced so that the criteria in the definition of reconstruction in Sec. 63.2 are satisfied. In general, a vegetable oil production process is reconstructed if the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost for constructing a new vegetable oil production process, and it is technically and economically feasible for the reconstructed source to meet the relevant new source requirements of this subpart. The effect of reconstruction on the categorization of your existing and new affected source is described in paragraphs (b)(1) and (2) of this section:

(1) After reconstruction of an existing source, the affected source is recategorized as a new source and becomes subject to the new source requirements of this subpart.

(2) After reconstruction of a new source, the affected source remains categorized as a new source and remains subject to the new source requirements of this subpart.

(c) Significant modification of a source. A significant modification to an affected source is a term specific to this subpart and is defined in Sec. 63.2872.

(1) In general, a significant modification to your source consists of adding new equipment or the modification of existing equipment within the affected source that significantly affects solvent losses from the affected source. Examples include adding or replacing extractors, desolventizer-toasters (conventional and specialty), and meal dryer-coolers. All other significant modifications must meet the

criteria listed in paragraphs (c)(1)(i) and (ii) of this section:

(i) The fixed capital cost of the modification represents a significant percentage of the fixed capital cost of building a comparable new vegetable oil production process.

(ii) It does not constitute reconstruction as defined in Sec. 63.2.

(2) A significant modification has no effect on the categorization of your source as existing and new. An existing source remains categorized as an existing source and subject to the existing source requirements of this subpart. A new source remains categorized as a new source and subject to the new source requirements of this subpart.

(d) Changes in the type of oilseed processed by your affected source does not affect the categorization of your source as new or existing. Recategorizing an affected source from existing to new occurs only when you add or modify process equipment within the source which meets the definition of reconstruction.

Sec. 63.2834 When do I have to comply with the standards in this subpart?

You must comply with this subpart in accordance with one of the schedules in Table 1 of this section, as follows:

TABLE 1 OF § 63.2834.—COMPLIANCE DATES FOR EXISTING AND NEW SOURCES

If your affected source is categorized as...	And if...	Then your compliance date is...
(a) an existing source.....	.....	3 years after the effective date of this subpart.
(b) a new source	you startup your affected source before the effective date of this subpart	the effective date of this subpart
(c) a new source	you startup your affected source on or after the effective date of this subpart.	your startup date.

Standards

Sec. 63.2840 What emission requirements must I meet?

(a) (1) The emission requirements limit the number of gallons of HAP lost per ton of listed oilseeds processed. For each operating month, you must calculate a compliance ratio which compares your actual HAP loss to your allowable HAP loss for the previous 12 operating months as shown in Equation 1 of this section. An operating month, as defined in Sec. 63.2872, is any calendar month in which a source processes a listed oilseed, excluding any entire calendar month in which the source operated under an initial startup period subject to Sec. 63.2850(c)(2) or (d)(2) or a malfunction period subject to Sec. 63.2850(e)(2). Equation 1 of this section follows:

$$\text{Compliance Ratio} = \frac{\text{Actual HAP Loss}}{\text{Allowable HAP Loss}} \qquad \text{(Eq. 1)}$$

(2) Equation 1 of this section can also be expressed as a function of total solvent loss as shown in Equation 2 of this section. Equation 2 of this section follows:

$$\text{Compliance Ratio} = \frac{f * \text{Actual Solvent Loss}}{0.64 * \sum_{i=1}^{n} \left((\text{Oilseed})_i * (\text{SLF})_i \right)} \qquad \text{(Eq. 2)}$$

Where:

f = The weighted average volume fraction of HAP in solvent received during the previous 12 operating months, as determined in Sec. 63.2854, dimensionless.

0.64 = The average volume fraction of HAP in solvent in the baseline performance data, dimensionless.

Actual Solvent Loss = Gallons of actual solvent loss during previous 12 operating months, as determined in Sec. 63.2853.

Oilseed = Tons of each oilseed type "I" processed during the previous 12 operating months, as shown in Sec. 63.2855.

SLF = The corresponding solvent loss factor (gal/ton) for oilseed "i" listed in Table 1 of this section, as follows:

TABLE 1 OF § 63.2840.—OILSEED SOLVENT LOSS FACTORS FOR DETERMINING ALLOWABLE HAP LOSS

		Oilseed solvent loss factor (gal/ton)	
Type of oilseed process	A source that	Existing sources	New sources
(i) Corn Germ, Wet Milling	processes corn germ that has been separated from other corn components using a "wet" process of centrifuging a slurry steeped in a dilute sulfurous acid solution.	0.4	0.3
(ii) Corn Germ, Dry Milling	processes corn germ that has been separated from the other corn components using a "dry" process of mechanical chafing and air sifting.	0.7	0.7
(iii) Cottonseed, Large	processes 120,000 tons or more of a combination of cottonseed and other listed oilseeds during all normal operating periods in a 12 operating month period	0.5	0.4
(iv) Cottonseed, Small	processes less than 120,000 tons of a combination of cottonseed and other listed oilseeds during all normal operating periods in a 12 operating month period	0.7	0.4
(v) Flax	processes flax	0.6	0.6
(vi) Peanuts	processes peanuts	1.2	0.7
(vii) Rapeseed	processes rapeseed	0.7	0.3
(viii) Safflower	processes safflower	0.7	0.7
(ix) Soybean, Conventional	uses a conventional style desolventizer to produce crude soybean oil products and soybean animal feed products.	0.2	0.2
(x) Soybean, Specialty	uses a special style desolventizer to produce soybean meal products for human and animal consumption	1.7	1.5

		Oilseed solvent loss factor (gal/ton)	
Type of oilseed process	A source that	Existing sources	New sources
(xi) Soybean, Combination Plant with Low Specialty Production	processes soybeans in both specialty and conventional desolventizers and the quantity of soy-beans processed in specialty desolventizers during normal operating periods is less than 3.3 percent of total soybeans processed during all normal operating periods in a 12 operating month period. The corresponding solvent loss factor is an overall value and applies to the total quantity of soybeans processed	0.25	0.25
(xii) Sunflower	processes sunflower	0.4	0.3

(b) When your source has processed listed oilseed for 12 operating months, calculate the compliance ratio by the end of each calendar month following an operating month using Equation 2 of this section. When calculating your compliance ratio, consider the conditions and exclusions in paragraphs (b)(1) through (6) of this section:

(1) If your source processes any quantity of listed oilseeds in a calendar month and the source is not operating under an initial startup period or malfunction period subject to Sec. 63.2850, then you must categorize the month as an operating month, as defined in Sec. 63.2872.

(2) The 12-month compliance ratio may include operating months occurring prior to a source shutdown and operating months that follow after the source resumes operation.

(3) If your source shuts down and processes no listed oilseed for an entire calendar month, then you must categorize the month as a nonoperating month, as defined in Sec. 63.2872. Exclude any nonoperating months from the compliance ratio determination.

(4) If your source is subject to an initial startup period as defined in Sec. 63.2872, exclude from the compliance ratio determination any solvent and oilseed information recorded for the initial startup period.

(5) If your source is subject to a malfunction period as defined in Sec. 63.2872, exclude from the compliance ratio determination any solvent and oilseed information recorded for the malfunction period.

(6) For sources processing cottonseed or specialty soybean, the solvent loss factor you use to determine the compliance ratio may change each operating month depending on the tons of oilseed processed during all normal operating periods in a 12 operating month period.

(c) If the compliance ratio is less than or equal to 1.00, your source was in compliance with the HAP emission requirements for the previous operating month.

(d) To determine the compliance ratio in Equation 2 of this section, you must select the appropriate oilseed solvent loss factor from Table 1 of this section. First, determine whether your source is new or existing using Table 1 of Sec. 63.2833. Then, under the appropriate existing or new source column, select the oilseed solvent loss factor that corresponds to each type oilseed or process operation for each operating month.

Compliance Requirements

Sec. 63.2850 How do I comply with the hazardous air pollutant emission standards?

(a) General requirements. The requirements in paragraphs (a)(1)(i) through (iv) of this section apply to all affected sources:

(1) Submit the necessary notifications in accordance with Sec. 63.2860, which include:

(i) Initial notifications for existing sources.

(ii) Initial notifications for new and reconstructed sources.

(iii) Initial notifications for significant modifications to existing or new sources.

(iv) Notification of compliance status.

(2) Develop and implement a plan for demonstrating compliance in accordance with Sec. 63.2851.

(3) Develop a written startup, shutdown and malfunction (SSM) plan in accordance with the provisions in Sec. 63.2852.

(4) Maintain all the necessary records you have used to demonstrate compliance with this subpart in accordance with Sec. 63.2862.

(5) Submit the reports in paragraphs (a)(5)(i) through (iii) of this section:

(i) Annual compliance certifications in accordance with Sec. 63.2861(a).

(ii) Periodic SSM reports in accordance with Sec. 63.2861(c).

(iii) Immediate SSM reports in accordance with Sec. 63.2861(d).

(6) Submit all notifications and reports and maintain all records required by the General Provisions for performance testing if you add a control device that destroys solvent.

(b) Existing sources under normal operation. You must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for existing sources under normal operation in Table 2 of this section.

(c) New sources. Your new source, including a source that is categorized as new due to reconstruction, must meet the requirements associated with one of two compliance options. Within 15 days of the startup date, you must choose to comply with one of the options listed in paragraph (c)(1) or (2) of this section:

(1) Normal operation. Upon startup of your new source, you must meet all of the requirements listed in Sec. 63.2850(a) and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for new sources under normal operation in Table 2 of this section.

(2) Initial startup period. For up to 6 calendar months after the startup date of your new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating under an initial startup period, and the schedules for demonstrating compliance for new sources operating under an initial startup period in Table 2 of this section. After a maximum of 6 calendar months, your new source must then meet all of the requirements listed in Table 1 of this section for sources under normal operation.

(d) Existing or new sources that have been significantly modified. Your existing or new source that has been significantly modified must meet the requirements associated with one of two compliance options. Within 15 days of the modified source startup date, you must choose to comply with one of the options listed in paragraph (d)(1) or (2) of this section:

(1) Normal operation. Upon startup of your significantly modified existing or new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for an existing or new source that has been significantly modified in Table 2 of this section.

(2) Initial startup period. For up to 3 calendar months after the startup date of your significantly modified existing or new source, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating under an initial startup period, and the schedules for demonstrating compliance for a significantly modified existing or new source operating under an initial startup period in Table 2 of this section. After a maximum of 3 calendar months, your new or existing source must meet all of the requirements listed in Table 1 of this section for sources under normal operation.

(e) Existing or new sources experiencing a malfunction. A malfunction is defined in Sec. 63.2. In general, it means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment or process equipment to function in a usual manner. If your existing or new source experiences an unscheduled shutdown as a result of a malfunction, continues to operate during a malfunction (including the period reasonably necessary to correct the malfunction), or starts up after a shutdown resulting from a malfunction, then you must meet the requirements associated with one of two compliance options. Routine or scheduled process startups and shutdowns resulting from, but not limited to, market demands, maintenance activities, and switching types of oilseed processed, are not startups or shutdowns resulting from a malfunction and, therefore, do not qualify for this provision. Within 15 days of the beginning date of the malfunction, you must choose to comply with one of the options listed in paragraphs (e)(1) through (2) of this section:

(1) Normal operation. Your source must meet all of the requirements listed in paragraph (a) of this section

and one of the options listed in paragraphs (e)(1)(i) through (iii) of this section:

(i) Existing source normal operation requirements in paragraph (b) of this section.

(ii) New source normal operation requirements in paragraph (c)(1) of this section.

(iii) Normal operation requirements for sources that have been significantly modified in paragraph (d)(1) of this section.

(2) Malfunction period. Throughout the malfunction period, you must meet all of the requirements listed in paragraph (a) of this section and Table 1 of this section for sources operating during a malfunction period. At the end of the malfunction period, your source must then meet all of the requirements listed in Table 1 of this section for sources under normal operation. Table 1 of this section follows:

TABLE 1 OF § 63.2850.—REQUIREMENTS FOR COMPLIANCE WITH HAP EMISSION STANDARDS

Are you required to. . .	For periods of normal operation?	For initial startup periods subject to § 63.2850(c)(2) or (d)(2)?	For malfunction periods subject to § 63.2850(e)(2)?
(a) Operate and maintain your source in accordance with your SSM plan as described in § 63.2852?	No, your source is not subject to the SSM plan, but rather the HAP emission limits of this standard.	Yes, throughout the entire initial startup period.	Yes, throughout the entire malfunction period.
(b) Determine and record the extraction solvent loss in gallons from your source?	Yes, as described in § 63.2853.	Yes, as described in § 63.2862(e).	Yes, as described in § 63.2862(e)
(c) Record the volume fraction of HAP present at greater than 1 percent by volume and gallons of extraction sol-vent in shipment received?	Yes	Yes	Yes
(d) Determine and record the tons of each oilseed type processed by your source?	Yes, as described in § 63.2855.	No	No
(e) Determine the weighted average volume fraction of HAP in extraction solvent received as described in § 63.2854 by the end of the following calendar month?	Yes	No. Except for solvent received by a new or reconstructed source commencing operation under an initial startup period, the HAP volume fraction in any solvent received during an initial startup period is included in the weighted average HAP determination for the next operating month.	No, the HAP volume fraction in any solvent received during a malfunction period is included in the weighted average HAP determination for the next operating month.

Are you required to. . .	For periods of normal operation?	For initial startup periods subject to § 63.2850(c)(2) or (d)(2)?	For malfunction periods subject to § 63.2850(e)(2)?
(f) Determine and record the actual solvent loss, weighted average volume fraction HAP, oilseed processed and compliance ratio for each 12 operating month period as described in § 63.2840 by the end of the following calendar month?	Yes	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data re-corded for an initial startup period.	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data re-corded for a malfunction period.
(g) Submit a Notification of Compliance Status or Annual Compliance Certification as appropriate?	Yes, as described in §§ 63.2860(d) and 63.2861(a).	No. However, you may be required to submit an annual compliance certification for previous operating months, if the deadline for the annual compliance certification happens to occur during the initial startup period.	No. However, you may be required to submit an annual compliance certification for previous operating months, if the deadline for the annual compliance certification happens to occur during the malfunction period.
h) Submit a Deviation Notification Report by the end of the calendar month following the month in which you determined that the compliance ratio exceeds 1.00 as described in § 63.2861(b)?	Yes	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data recorded for an initial startup period.	No, these requirements are not applicable because your source is not required to determine the compliance ratio with data re-corded for a malfunction period.
(i) Submit a Periodic SSM Report as described in § 63 2861(c)?	No, a SSM activity is not categorized as normal operation.	Yes	Yes

Are you required to. . .	For periods of normal operation?	For initial startup periods subject to § 63.2850(c)(2) or (d)(2)?	For malfunction periods subject to § 63.2850(e)(2)?
(j) Submit an Immediate SSM Report as described in § 63.2861(d)?	No, a SSM activity is not categorized as normal operation	Yes, only if your source does not follow the SSM plan	Yes, only if your source does not follow the SSM plan

TABLE 2 OF § 63.2850 — SCHEDULES FOR DEMONSTRATING COMPLIANCE UNDER VARIOUS SOURCE OPERATING MODES

If your source is	and is operating under	then your record-keeping schedule	You must determine your first compliance ratio by the end of the calendar month following	Base your first compliance ratio on information recorded
(a) Existing	Normal operation	Begins on the compliance date.	The first 12 operating months after the compliance date.	During the first 12 operating months after the compliance date.
(b) New	(1) Normal operation	Begins on the startup date of your new source.	The first 12 operating months after the startup date of the new source.	During the first 12 operating months after the startup date of the new source.
	(2) An initial startup period.	Begins on the startup date of your new source.	The first 12 operating months after termination of the initial startup period, which can last for up to 6 months.	During the first 12 operating months after the initial startup period, which can last for up to 6 months.

If your source is	and is operating under	then your record-keeping schedule	You must determine your first compliance ratio by the end of the calendar month following	Base your first compliance ratio on information recorded
(c) Existing or new that has been significantly modified	(1) Normal operation	Resumes on the start-up date of the modified source.	The first operating month after the start-up date of the modified source.	During the previous 11 operating months prior to the significant modification and the first operating month following the initial startup date of the source.
	(2) An initial startup period.	Resumes on the start-up date of the modified source.	The first operating month after termination of the initial startup period, which can last up to 3 months.	During the 11 operating months before the significant modification and the first operating month after the initial startup period.

Sec. 63.2851 What is a plan for demonstrating compliance?

(a) You must develop and implement a written plan for demonstrating compliance that provides the detailed procedures you will follow to monitor and record data necessary for demonstrating compliance with this subpart. Procedures followed for quantifying solvent loss from the source and amount of oilseed processed vary from source to source because of site-specific factors such as equipment design characteristics and operating conditions. Typical procedures include one or more accurate measurement methods such as weigh scales, volumetric displacement, and material mass balances. Because the industry does not have a uniform set of procedures, you must develop and

implement your own site-specific plan for demonstrating compliance before the compliance date for your source. You must also incorporate the plan for demonstrating compliance by reference in the source's title V permit and keep the plan on-site and readily available as long as the source is operational. If you make any changes to the plan for demonstrating compliance, then you must keep all previous versions of the plan and make them readily available for inspection for at least 5 years after each revision. The plan for demonstrating compliance must include the items in paragraphs (a)(1) through (7) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) A detailed description of all methods of measurement your source will use to determine your solvent losses, HAP content of solvent, and the tons of each type of oilseed processed.

(4) When each measurement will be made.

(5) Examples of each calculation you will use to determine your compliance status. Include examples of how you will convert data measured with one parameter to other terms for use in compliance determination.

(6) Example logs of how data will be recorded.

(7) A plan to ensure that the data continue to meet compliance demonstration needs.

(b) The responsible agency of these NESHAP may require you to revise your plan for demonstrating compliance. The responsible agency may require reasonable revisions if the procedures lack detail, are inconsistent or do not accurately determine solvent loss, HAP content of the solvent, or the tons of oilseed processed.

Sec. 63.2852 What is a startup, shutdown, and malfunction plan?

You must develop a written SSM plan in accordance with Sec. 63.6(e)(3) and implement the plan, when applicable. You must complete the SSM plan before the compliance date for your source. You must also incorporate the SSM plan by reference in your source's title V permit and keep the SSM plan on-site and readily available as long as the source is operational. The SSM plan provides detailed procedures for operating and maintaining your source to minimize emissions during a qualifying SSM event for which the source chooses the Sec. 63.2850(e)(2) malfunction

period, or the Sec. 63.2850(c)(2) or (d)(2) initial startup period. The SSM plan must specify a program of corrective action for malfunctioning process and air pollution control equipment and reflect the best practices now in use by the industry to minimize emissions. Some or all of the procedures may come from plans you developed for other purposes such as a Standard Operating Procedure manual or an Occupational Safety and Health Administration Process Safety Management plan. To qualify as a SSM plan, other such plans must meet all the applicable requirements of these NESHAP.

Sec. 63.2853 How do I determine the actual solvent loss?

By the end of each calendar month following an operating month, you must determine the total solvent loss in gallons for the previous operating month. The total solvent loss for an operating month includes all solvent losses that occur during normal operating periods within the operating month. If you have determined solvent losses for 12 or more operating months, then you must also determine the 12 operating months rolling sum of actual solvent loss in gallons by summing the monthly actual solvent loss for the previous 12 operating months. The 12 operating months rolling sum of solvent loss is the "actual solvent loss," which is used to calculate your compliance ratio as described in Sec. 63.2840.

(a) To determine the actual solvent loss from your source, follow the procedures in your plan for demonstrating compliance to determine the items in paragraphs (a)(1) through (7) of this section:

(1) The dates that define each operating status period during a calendar month. The dates that define each operating status period include the beginning date of each calendar month and the date of any change in the source operating status. If the source maintains the same operating status during an entire calendar month, these dates are the beginning and ending dates of the calendar month. If, prior to the effective date of this rule, your source determines the solvent loss on an accounting month, as defined in Sec. 63.2872, rather than a calendar month basis, and you have 12 complete accounting months of approximately equal duration in a calendar year, you may substitute the accounting month time interval for the calendar month time interval. If you choose to use an accounting month rather than a calendar month, you must document this measurement frequency selection in your plan for demonstrating compliance, and you must remain on this schedule unless you request and receive written approval from the agency responsible for these NESHAP.

(2) Source operating status. You must categorize the operating status of your source for each recorded time interval in accordance with criteria in Table 1 of this section, as follows:

TABLE 1 OF § 63.2853.—CATEGORIZING YOUR SOURCE OPERATING STATUS

If during a recorded time interval	then your source operating status is
(i) Your source processes any amount of listed oilseed and source is not operating under an initial startup operating period or a malfunction period subject to § 63.2850(c)(2), (d)(2), or (e)(2).	A normal operating period.
(ii) Your source processes no agricultural product and your source is not operating under an initial startup period or malfunction period subject to § 63.2850(c)(2), (d)(2), or (e)(2).	A non-operating period.
(iii) You choose to operate your source under an initial startup period subject to § 63.2850(c)(2) or (d)(2).	An initial startup period.
(iv) You choose to operate your source under a malfunction period subject to § 63.2850(e)(2).	A malfunction period.
(v) Your source processes agricultural products not defined as listed oilseed.	An exempt period.

(3) Measuring the beginning and ending solvent inventory. You are required to measure and record the solvent inventory on the beginning and ending dates of each normal operating period that occurs during an operating month. An operating month is any calendar month with at least one normal operating period. You must consistently follow the procedures described in your plan for demonstrating compliance, as specified in Sec. 63.2851, to determine the extraction solvent inventory, and maintain readily available records of the actual solvent loss inventory, as described in Sec. 63.2862(c)(1). In general, you must measure and record the solvent inventory only when the source is actively processing any type of agricultural product. When the source is not active, some or all of the solvent working capacity is transferred to solvent storage tanks which can artificially inflate the solvent inventory.

(4) Gallons of extraction solvent received. Record the total gallons of extraction solvent received in each shipment. For most processes, the gallons of solvent received represents purchases of delivered solvent added to the solvent storage inventory. However, if your process refines additional vegetable oil from off-site sources, recovers solvent from the off-site oil, and adds it to the on-site solvent inventory, then you must determine the quantity of recovered solvent and include it in the gallons of extraction solvent received.

(5) Solvent inventory adjustments. In some situations, solvent losses determined directly from the measured solvent inventory and quantity of solvent received is not an accurate estimate of the "actual solvent loss" for use in determining compliance ratios. In such cases, you may adjust the total solvent loss for each normal operating period as long as you provide a reasonable justification for the adjustment. Situations that may require adjustments of the total solvent loss include, but are not limited to, situations in paragraphs (a)(5)(i) and (ii) of this section:

(i) Solvent destroyed in a control device. You may use a control device to reduce solvent emissions to meet the emission standard. The use of a control device does not alter the emission limit for the source. If you use a control device that reduces solvent emissions through destruction of the solvent instead of recovery, then determine the gallons of solvent that enter the control device and are destroyed there during each normal operating period. All solvent destroyed in a control device during a normal operating period can be subtracted from the total solvent loss. Examples of destructive emission control devices include catalytic incinerators, boilers, or flares. Identify and describe, in your plan for demonstrating compliance, each type of reasonable and sound measurement method that you use to quantify the gallons of solvent entering and exiting the control device and to determine the destruction efficiency of the control device. You may use design evaluations to document the gallons of solvent destroyed or removed by the control device instead of performance testing under Sec. 63.7. The design evaluations must be based on the procedures and options described in Sec. 63.985(b)(1)(i)(A) through (C) or Sec. 63.11, as appropriate. All data, assumptions,

and procedures used in such evaluations must be documented and available for inspection. If you use performance testing to determine solvent flow rate to the control device or destruction efficiency of the device, follow the procedures as outlined in Sec. 63.997(e)(1) and (2). Instead of periodic performance testing to demonstrate continued good operation of the control device, you may develop a monitoring plan, following the procedures outlined in Sec. 63.988(c) and using operational parametric measurement devices such as fan parameters, percent measurements of lower explosive limits, and combustion temperature.

(ii) Changes in solvent working capacity. In records you keep on-site, document any process modifications resulting in changes to the solvent working capacity in your vegetable oil production process. Solvent working capacity is defined in Sec. 63.2872. In general, solvent working capacity is the volume of solvent normally retained in solvent recovery equipment such as the extractor, desolventizer-toaster, solvent storage, working tanks, mineral oil absorber, condensers, and oil/solvent distillation system. If the change occurs during a normal operating period, you must determine the difference in working solvent volume and make a one-time documented adjustment to the solvent inventory.

(b) Use Equation 1 of this section to determine the actual solvent loss occurring from your affected source for all normal operating periods recorded within a calendar month. Equation 1 of this section follows:

$$\text{Monthly Actual Solvent (gal)} = \sum_{i=1}^{n} \left(SOLV_B - SOLV_E + SOLV_R \pm SOLV_A\right)_i \qquad \text{(Eq. 1)}$$

Where:

$SOLV_B$ = Gallons of solvent in the inventory at the beginning of normal operating period "i" as determined in paragraph (a)(3) of this section.

$SOLV_E$ = Gallons of solvent in the inventory at the end of normal operating period "i" as determined in paragraph (a)(3) of this section.

$SOLV_R$ = Gallons of solvent received between the beginning and ending inventory dates of normal operating period "i" as determined in paragraph (a)(4) of this section.

$SOLV_A$ = Gallons of solvent added or removed from the extraction solvent inventory during normal operating period "i" as determined in paragraph (a)(5) of this section.

n = Number of normal operating periods in a calendar month.

(c) The actual solvent loss is the total solvent losses during normal operating periods for the previous 12 operating months. You determine your actual solvent loss by summing the monthly actual solvent losses for the previous 12 operating months. You must record the actual solvent loss by the end of each calendar month following an operating month. Use the actual solvent loss in Equation 2 of Sec. 63.2840 to determine the compliance ratio. Actual solvent loss does not include losses that occur during operating status periods listed in paragraphs (c)(1) through (4) of this section. If any one of these four operating status periods span an entire month, then the month is treated as nonoperating and there is no compliance ratio determination.

(1) Nonoperating periods as described in paragraph (a)(2)(ii) of this section.

(2) Initial startup periods as described in Sec. 63.2850(c)(2) or (d)(2).

(3) Malfunction periods as described in Sec. 63.2850(e)(2).

(4) Exempt operation periods as described in paragraph (a)(2)(v) of this section.

Sec. 63.2854 How do I determine the weighted average volume fraction of HAP in the actual solvent loss?

(a) This section describes the information and procedures you must use to determine the weighted average volume fraction of HAP in extraction solvent received for use in your vegetable oil production process. By the end of each calendar month following an operating month, determine the weighted average volume fraction of HAP in extraction solvent received since the end of the previous operating

month. If you have determined the monthly weighted average volume fraction of HAP in solvent received for 12 or more operating months, then also determine an overall weighted average volume fraction of HAP in solvent received for the previous 12 operating months. Use the volume fraction of HAP determined as a 12 operating months weighted average in Equation 2 of Sec. 63.2840 to determine the compliance ratio.

(b) To determine the volume fraction of HAP in the extraction solvent determined as a 12 operating months weighted average, you must comply with paragraphs (b)(1) through (3) of this section:

(1) Record the volume fraction of each HAP comprising more than 1 percent by volume of the solvent in each delivery of solvent, including solvent recovered from off-site oil. To determine the HAP content of the material in each delivery of solvent, the reference method is EPA Method 311 of appendix A of this part. You may use EPA Method 311, an approved alternative method, or any other reasonable means for determining the HAP content. Other reasonable means of determining HAP content include, but are not limited to, a material safety data sheet or a manufacturer's certificate of analysis. A certificate of analysis is a legal and binding document provided by a solvent manufacturer. The purpose of a certificate of analysis is to list the test methods and analytical results that determine chemical properties of the solvent and the volume percentage of all HAP components present in the solvent at quantities greater than 1 percent by volume. You are not required to test the materials that you use, but the Administrator may require a test using EPA Method 311 (or an approved alternative method) to confirm the reported HAP content. However, if the results of an analysis by EPA Method 311 are different from the HAP content determined by another means, the EPA Method 311 results will govern compliance determinations.

(2) Determine the weighted average volume fraction of HAP in the extraction solvent each operating month. The weighted average volume fraction of HAP for an operating month includes all solvent received since the end of the last operating month, regardless of the operating status at the time of the delivery. Determine the monthly weighted average volume fraction of HAP by summing the products of the HAP volume fraction of each delivery and the volume of each delivery and dividing the sum by the total volume of all deliveries as expressed in Equation 1 of this section. Record the result by the end of

each calendar month following an operating month. Equation 1 of this section follows:

$$\text{Monthly Weighted Average HAP Content of Extraction Solvent (volume fraction)} = \frac{\sum_{i=1}^{n} (\text{Received}_i * \text{Content}_i)}{\text{Total Received}} \quad \text{(Eq. 1)}$$

Where:

Received_i = Gallons of extraction solvent received in delivery "i."

Content_i = The volume fraction of HAP in extraction solvent delivery "i."

Total Received = Total gallons of extraction solvent received since the end of the previous operating month.

n = Number of extraction solvent deliveries since the end of the previous operating month.

(3) Determine the volume fraction of HAP in your extraction solvent as a 12 operating months weighted average. When your source has processed oilseed for 12 operating months, sum the products of the monthly weighted average HAP volume fraction and corresponding volume of solvent received, and divide the sum by the total volume of solvent received for the 12 operating months, as expressed by Equation 2 of this section. Record the result by the end of each calendar month following an operating month and use it in Equation 2 of Sec. 63.2840 to determine the compliance ratio. Equation 2 of this section follows:

$$\text{12 – Month Weighted Average of HAP Content in Solvent Received (volume fraction)} = \frac{\sum_{i=1}^{12} (\text{Received}_i * \text{Content}_i)}{\text{Total Received}} \quad \text{(Eq. 2)}$$

Where:

Received_i = Gallons of extraction solvent received in operating month "i" as determined in accordance with Sec. 63.2853(a)(4).

$Content_i$ = Average volume fraction of HAP in extraction solvent received in operating month "i" as determined in accordance with paragraph (b)(1) of this section.

Total Received = Total gallons of extraction solvent received during the previous 12 operating months.

Sec. 63.2855 How do I determine the quantity of oilseed processed?

All oilseed measurements must be determined on an as received basis, as defined in Sec. 63.2872. The as received basis refers to the oilseed chemical and physical characteristics as initially received by the source and prior to any oilseed handling and processing. By the end of each calendar month following an operating month, you must determine the tons as received of each listed oilseed processed for the operating month. The total oilseed processed for an operating month includes the total of each oilseed processed during all normal operating periods that occur within the operating month. If you have determined the tons of oilseed processed for 12 or more operating months, then you must also determine the 12 operating months rolling sum of each type oilseed processed by summing the tons of each type of oilseed processed for the previous 12 operating months. The 12 operating months rolling sum of each type of oilseed processed is used to calculate the compliance ratio as described in Sec. 63.2840.

(a) To determine the tons as received of each type of oilseed processed at your source, follow the procedures in your plan for demonstrating compliance to determine the items in paragraphs (a)(1) through (5) of this section:

(1) The dates that define each operating status period. The dates that define each operating status period include the beginning date of each calendar month and the date of any change in the source operating status. If, prior to the effective date of this rule, your source determines the oilseed inventory on an accounting month rather than a calendar month basis, and you have 12 complete accounting months of approximately equal duration in a calendar year, you may substitute the accounting month time interval for the calendar month time interval. If you choose to use an accounting month rather than a calendar month, you must document this measurement frequency selection in your plan for demonstrating compliance, and you must remain on this schedule unless you request and receive written approval from the agency responsible for these NESHAP. The dates on each oilseed inventory log must be consistent with the dates recorded for the solvent inventory.

(2) Source operating status. You must categorize the source operation for each recorded time interval. The source operating status for each time interval recorded on the oilseed inventory for each type of oilseed must be consistent with the operating status recorded on the solvent inventory logs as described in Sec. 63.2853(a)(2).

(3) Measuring the beginning and ending inventory for each oilseed. You are required to measure and record the oilseed inventory on the beginning and ending dates of each normal operating period that occurs during an operating month. An operating month is any calendar month with at least one normal operating period. You must consistently follow the procedures described in your plan for demonstrating compliance, as specified in Sec. 63.2851, to determine the oilseed inventory on an as received basis and maintain readily available records of the oilseed inventory as described by Sec. 63.2862(c)(3).

(4) Tons of each oilseed received. Record the type of oilseed and tons of each shipment of oilseed received and added to your on-site storage.

(5) Oilseed inventory adjustments. In some situations, determining the quantity of oilseed processed directly from the measured oilseed inventory and quantity of oilseed received is not an accurate estimate of the tons of oilseed processed for use in determining compliance ratios. For example, spoiled and molded oilseed removed from storage but not processed by your source will result in an overestimate of the quantity of oilseed processed. In such cases, you must adjust the oilseed inventory and provide a justification for the adjustment. Situations that may require oilseed inventory adjustments include, but are not limited to, the situations listed in paragraphs (a)(5)(i) through (v) of this section:

(i) Oilseed that mold or otherwise become unsuitable for processing.

(ii) Oilseed you sell before it enters the processing operation.

(iii) Oilseed destroyed by an event such as a process malfunction, fire, or natural disaster.

(iv) Oilseed processed through operations prior to solvent extraction such as screening,

dehulling, cracking, drying, and conditioning; but that are not routed to the solvent extractor for further processing.

(v) Periodic physical measurements of inventory. For example, some sources periodically empty oilseed storage silos to physically measure the current oilseed inventory. This periodic measurement procedure typically results in a small inventory correction. The correction factor, usually less than 1 percent, may be used to make an adjustment to the source's oilseed inventory that was estimated previously with indirect measurement techniques. To make this adjustment, your plan for demonstrating compliance must provide for such an adjustment.

(b) Use Equation 1 of this section to determine the quantity of each oilseed type processed at your affected source during normal operating periods recorded within a calendar month. Equation 1 of this section follows:

$$\text{Monthly Quantity of Each Oilseed Processed (tons)} = \sum_{n=1}^{n}\left(SEED_B - SEED_E + SEED_R \pm SEED_A\right) \quad \text{(Eq. 1)}$$

Where:

$SEED_B$ = Tons of oilseed in the inventory at the beginning of normal operating period "i" as determined in accordance with paragraph (a)(3) of this section.

$SEED_E$ = Tons of oilseed in the inventory at the end of normal operating period "i" as determined in accordance with paragraph (a)(3) of this section.

$SEED_R$ = Tons of oilseed received during normal operating period "i" as determined in accordance with paragraph (a)(4) of this section.

$SEED_A$ = Tons of oilseed added or removed from the oilseed inventory during normal operating period "i" as determined in accordance with paragraph (a)(5) of this section.

n = Number of normal operating periods in the calendar month during which this type oilseed was processed.

(c) The quantity of each oilseed processed is the total tons of each type of listed oilseed processed during normal operating periods in the previous 12 operating months. You determine the tons of each oilseed processed by summing the monthly quantity of each oilseed processed for the previous 12 operating months. You must record the 12 operating months quantity of each type of oilseed processed by the end of each calendar month following an operating month. Use the 12 operating months quantity of each type of oilseed processed to determine the compliance ratio as described in Sec. 63.2840. The quantity of oilseed processed does not include oilseed processed during the operating status periods in paragraphs (c)(1) through (4) of this section:

(1) Nonoperating periods as described in Sec. 63.2853 (a)(2)(ii).

(2) Initial startup periods as described in Sec. 63.2850(c)(2) or (d)(2).

(3) Malfunction periods as described in Sec. 63.2850(e)(2).

(4) Exempt operation periods as described in Sec. 63.2853 (a)(2)(v).

(5) If any one of these four operating status periods span an entire calendar month, then the calendar month is treated as a nonoperating month and there is no compliance ratio determination.

Notifications, Reports, and Records

Sec. 63.2860 What notifications must I submit and when?

You must submit the one-time notifications listed in paragraphs (a) through (d) of this section to the responsible agency:

(a) Initial notification for existing sources. For an existing source, submit an initial notification to the agency responsible for these NESHAP no later than 120 days after the effective date of this subpart. In the notification, include the items in paragraphs (a)(1) through (5) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Identification of the relevant standard, such as the vegetable oil production NESHAP, and compliance date.

(4) A brief description of the source including the types of listed oilseeds processed, nominal operating capacity, and type of desolventizer(s) used.

(5) A statement designating the source as a major source of HAP or a demonstration that the source meets the definition of an area source. An area source is a source that is not a major source and is not collocated within a plant site with other sources that are individually or collectively a major source.

(b) Initial notifications for new and reconstructed sources. New or reconstructed sources must submit a series of notifications before, during, and after source construction per the schedule listed in Sec. 63.9. The information requirements for the notifications are the same as those listed in the General Provisions with the exceptions listed in paragraphs (b)(1) and (2) of this section:

(1) The application for approval of construction does not require the specific HAP emission data required in Sec. 63.5(d)(1)(ii)(H) and (iii), (d)(2) and (d)(3)(ii). The application for approval of construction would include, instead, a brief description of the source including the types of listed oilseeds processed, nominal operating capacity, and type of desolventizer(s) used.

(2) The notification of actual startup date must also include whether you have elected to operate under an initial startup period subject to Sec. 63.2850(c)(2) and provide an estimate and justification for the anticipated duration of the initial startup period.

(c) Significant modification notifications. Any existing or new source that plans to undergo a significant modification as defined in Sec. 63.2872 must submit two reports as described in paragraphs (c)(1) and (2) of this section:

(1) Initial notification. You must submit an initial notification to the agency responsible for these NESHAP 30 days prior to initial startup of the significantly modified source. The initial notification must demonstrate that the proposed changes qualify as a significant modification. The initial notification must include the items in paragraphs (c)(1)(i) and (ii) of this section:

(i) The expected startup date of the modified source.

(ii) A description of the significant modification including a list of the equipment that will be replaced or modified. If the significant modification involves changes other than adding or replacing extractors, desolventizer-toasters (conventional and specialty), and meal dryer-coolers, then you must also include the fixed capital cost of the new components, expressed as a percentage of the fixed capital cost to build a comparable new vegetable oil production process; supporting documentation for the cost estimate; and documentation that the proposed changes will significantly affect solvent losses.

(2) Notification of actual startup. You must submit a notification of actual startup date within 15 days after initial startup of the modified source. The notification must include the items in paragraphs (c)(2)(i) through (iv) of this section:

(i) The initial startup date of the modified source.

(ii) An indication whether you have elected to operate under an initial startup period subject to Sec. 63.2850(d)(2).

(iii) The anticipated duration of any initial startup period.

(iv) A justification for the anticipated duration of any initial startup period.

(d) Notification of compliance status. As an existing, new, or reconstructed source, you must submit a notification of compliance status report to the responsible agency no later than 60 days after determining your initial 12 operating months compliance ratio. If you are an existing source, you generally must submit this notification no later than 50 calendar months after the effective date of these NESHAP (36 calendar months for compliance, 12 operating months to record data, and 2 calendar months to complete the report). If you are a new or reconstructed source, the notification of compliance status is generally due no later than 20 calendar months after initial startup (6 calendar months for the initial startup period, 12 operating months to record data, and 2 calendar months to complete the report). The notification of compliance status must contain the items in paragraphs (d)(1) through (6) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Each listed oilseed type processed during the previous 12 operating months.

(4) Each HAP identified under Sec. 63.2854(a) as being present in concentrations greater than 1 percent by volume in each delivery of solvent received during the 12 operating months period used for the initial compliance determination.

(5) A statement designating the source as a major source of HAP or a demonstration that the source qualifies as an area source. An area source is a source that is not a major source and is not collocated within a plant site with other sources that are individually or collectively a major source.

(6) A compliance certification indicating whether the source complied with all of the requirements of this subpart throughout the 12 operating months used for the initial source compliance determination. This certification must include a certification of the items in paragraphs (d)(6)(i) through (iii) of this section:

(i) The plan for demonstrating compliance (as described in Sec. 63.2851) and SSM plan (as described in Sec. 63.2852) are complete and available on-site for inspection.

(ii) You are following the procedures described in the plan for demonstrating compliance.

(iii) The compliance ratio is less than or equal to 1.00.

Sec. 63.2861 What reports must I submit and when?

After the initial notifications, you must submit the reports in paragraphs (a) through (d) of this section to the agency responsible for these NESHAP at the appropriate time intervals:

(a) Annual compliance certifications. The first annual compliance certification is due 12 calendar months after you submit the notification of compliance status. Each subsequent annual compliance certification is due 12 calendar months after the previous annual compliance certification. The annual compliance certification provides the compliance status for each operating month during the 12 calendar months period ending 60 days prior to the date on which the report is due. Include the

information in paragraphs (a)(1) through (6) of this section in the annual certification:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Each listed oilseed type processed during the 12 calendar months period covered by the report.

(4) Each HAP identified under Sec. 63.2854(a) as being present in concentrations greater than 1 percent by volume in each delivery of solvent received during the 12 calendar months period covered by the report.

(5) A statement designating the source as a major source of HAP or a demonstration that the source qualifies as an area source. An area source is a source that is not a major source and is not collocated within a plant site with other sources that are individually or collectively a major source.

(6) A compliance certification to indicate whether the source was in compliance for each compliance determination made during the 12 calendar months period covered by the report. For each such compliance determination, you must include a certification of the items in paragraphs (a)(6)(i) through (ii) of this section:

(i) You are following the procedures described in the plan for demonstrating compliance.

(ii) The compliance ratio is less than or equal to 1.00.

(b) Deviation notification report. Submit a deviation report for each compliance determination you make in which the compliance ratio exceeds 1.00 as determined under Sec. 63.2840(c). Submit the deviation report by the end of the month following the calendar month in which you determined the deviation. The deviation notification report must include the items in paragraphs (b)(1) through (4) of this section:

(1) The name and address of the owner or operator.

(2) The physical address of the vegetable oil production process.

(3) Each listed oilseed type processed during the 12 operating months period for which you determined the deviation.

(4) The compliance ratio comprising the deviation. You may reduce the frequency of submittal of the deviation notification report if the agency responsible for these NESHAP does not object as provided in Sec. 63.10(e)(3)(iii).

(c) Periodic startup, shutdown, and malfunction report. If you choose to operate your source under an initial startup period subject to Sec. 63.2850(c)(2) or (d)(2) or a malfunction period subject to Sec. 63.2850(e)(2), you must submit a periodic SSM report by the end of the calendar month following each month in which the initial startup period or malfunction period occurred. The periodic SSM report must include the items in paragraphs (c)(1) through (3) of this section:

(1) The name, title, and signature of a source's responsible official who is certifying that the report accurately states that all actions taken during the initial startup or malfunction period were consistent with the SSM plan.

(2) A description of events occurring during the time period, the date and duration of the events, and reason the time interval qualifies as an initial startup period or malfunction period.

(3) An estimate of the solvent loss during the initial startup or malfunction period with supporting documentation.

(d) Immediate SSM reports. If you handle a SSM during an initial startup period subject to Sec. 63.2850(c)(2) or (d)(2) or a malfunction period subject to Sec. 63.2850(e)(2) differently from procedures in the SSM plan, then you must submit an immediate SSM report. Immediate SSM reports consist of a telephone call or facsimile transmission to the responsible agency within 2 working days after starting actions inconsistent with the SSM plan, followed by a letter within 7 working days after the end of the event. The letter must include the items in paragraphs (d)(1) through (3) of this section:

(1) The name, title, and signature of a source's responsible official who is certifying the accuracy of the report, an explanation of the event, and the reasons for not following the SSM plan.

(2) A description and date of the SSM event, its duration, and reason it qualifies as a SSM.

(3) An estimate of the solvent loss for the duration of the SSM event with supporting documentation.

Sec. 63.2862 What records must I keep?

(a) You must satisfy the recordkeeping requirements of this section by the compliance date for your source specified in Table 1 of Sec. 63.2834.

(b) Prepare a plan for demonstrating compliance (as described in Sec. 63.2851) and a SSM plan (as described in Sec. 63.2852). In these two plans, describe the procedures you will follow in obtaining and recording data, and determining compliance under normal operations or a SSM subject to the Sec. 63.2850(c)(2) or (d)(2) initial startup period or the Sec. 63.2850(e)(2) malfunction period. Complete both plans before the compliance date for your source and keep them on-site and readily available as long as the source is operational.

(c) If your source processes any listed oilseed, record the items in paragraphs (c)(1) through (5) of this section:

(1) For the solvent inventory, record the information in paragraphs (c)(1)(i) through (vii) of this section in accordance with your plan for demonstrating compliance:

(i) Dates that define each operating status period during a calendar month.

(ii) The operating status of your source such as normal operation, nonoperating, initial startup period, malfunction period, or exempt operation for each recorded time interval.

(iii) Record the gallons of extraction solvent in the inventory on the beginning and ending dates of each normal operating period.

(iv) The gallons of all extraction solvent received, purchased, and recovered during each calendar month.

(v) All extraction solvent inventory adjustments, additions or subtractions. You must document the reason for the adjustment and justify the quantity of the adjustment.

(vi) The total solvent loss for each calendar month, regardless of the source operating status.

(vii) The actual solvent loss in gallons for each operating month.

(2) For the weighted average volume fraction of HAP in the extraction solvent, you must record the items in paragraphs (c)(2)(i) through (iii) of this section:

(i) The gallons of extraction solvent received in each delivery.

(ii) The volume fraction of each HAP exceeding 1 percent by volume in each delivery of extraction solvent.

(iii) The weighted average volume fraction of HAP in extraction solvent received since the end of the last operating month as determined in accordance with Sec. 63.2854(b)(2).

(3) For each type of listed oilseed processed, record the items in paragraphs (c)(3)(i) through (vi) of this section, in accordance with your plan for demonstrating compliance:

(i) The dates that define each operating status period. These dates must be the same as the dates entered for the extraction solvent inventory.

(ii) The operating status of your source such as normal operation, nonoperating, initial startup period, malfunction period, or exempt operation for each recorded time interval. On the log for each type of listed oilseed that is not being processed during a normal operating period, you must record which type of listed oilseed is being processed in addition to the source operating status.

(iii) The oilseed inventory for the type of listed oilseed being processed on the beginning and ending dates of each normal operating period.

(iv) The tons of each type of listed oilseed received at the affected source each normal operating period.

(v) All listed oilseed inventory adjustments, additions or subtractions for normal operating periods. You must document the reason for the adjustment and justify the quantity of the adjustment.

(vi) The tons of each type of listed oilseed processed during each operating month.

(d) After your source has processed listed oilseed for 12 operating months, and you are not operating during an initial startup period as described in Sec. 63.2850(c)(2) or (d)(2), or a malfunction period as described in Sec. 63.2850(e)(2), record the items in paragraphs (d)(1) through (5) of this section by the end of the calendar month following each operating month:

(1) The 12 operating months rolling sum of the actual solvent loss in gallons as described in Sec. 63.2853(c).

(2) The weighted average volume fraction of HAP in extraction solvent received for the previous 12 operating months as described in Sec. 63.2854(b)(3).

(3) The 12 operating months rolling sum of each type of listed oilseed processed at the affected source in tons as described in Sec. 63.2855(c).

(4) A determination of the compliance ratio. Using the values from Secs. 63.2853, 63.2854, 63.2855, and Table 1 of Sec. 63.2840, calculate the compliance ratio using Equation 2 of Sec. 63.2840.

(5) A statement of whether the source is in compliance with all of the requirements of this subpart. This includes a determination of whether you have met all of the applicable requirements in Sec. 63.2850.

(e) For each SSM event subject to an initial startup period as described in Sec. 63.2850(c)(2) or (d)(2), or a malfunction period as described in Sec. 63.2850(e)(2), record the items in paragraphs (e)(1) through (3) of this section by the end of the calendar month following each month in which the initial startup period or malfunction period occurred:

(1) A description and date of the SSM event, its duration, and reason it qualifies as an initial startup or malfunction.

(2) An estimate of the solvent loss in gallons for the duration of the initial startup or malfunction period with supporting documentation.

(3) A checklist or other mechanism to indicate whether the SSM plan was followed during the initial startup or malfunction period.

Sec. 63.2863 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for review in accordance with Sec. 63.10(b)(1).

(b) As specified in Sec. 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, in accordance with Sec. 3.10(b)(1). You can keep the records off-site for the remaining 3 years.

Other Requirements and Information

Sec. 63.2870 What parts of the General Provisions apply to me?

Table 1 of this section shows which parts of the General Provisions in Secs. 63.1 through 63.15 apply to you. Table 1 of Sec. 63.2870 follows:

TABLE 1 OF § 63.2870 — APPLICABILITY OF 40 CFR P ART 63, SUBPART A, TO 40 CFR, PART 63, SUBPART GGGG

General Provisions Citation	Subject of Citation	Brief Description of Requirement	Applies to Subpart	Explanation
§63.1	Applicability	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications.	Yes	
§63.2	Definitions	Definitions for part 63 standards	Yes	Except as specifically provided in this subpart.
§63.3	Units and abbreviations	Units and abbreviations for part 63 standards.	Yes	
§63.4	Prohibited activities and circumvention.	Prohibited activities; compliance date; circumvention; severability	Yes	
§63.5	Construction/ reconstruction	Applicability; applications; approvals.	Yes	Except for subsections of §63.5 as listed below.

General Provisions Citation	Subject of Citation	Brief Description of Requirement	Applies to Subpart	Explanation
§63.5(c)	[Reserved]			
§63.5(d)(1)(ii)(H)	Application for approval	Type and quantity of HAP, operating parameters.	No	All sources emit HAP. Subpart GGGG does not require control from specific emission points
§63.5(d)(1)(ii)(I)	[Reserved]			
§63.5(d)(1)(iii), (d)(2), (d)(3)(ii)		Application for approval	No	The requirements of the application for approval for new, reconstructed and significantly modified sources are described in § 63.2860(b) and (c) of subpart GGGG. General provision requirements for identification of HAP emission points or estimates of actual emissions are not required. Descriptions of control and methods, and the estimated and actual control efficiency of such do not apply. Requirements for describing control equipment and the estimated and actual control efficiency of such equipment apply only to control equipment to which the subpart GGGG requirements for quantifying.
§63.6	Applicability of General Provisions	Applicability	Yes	Except for subsections of §63.6 as listed below.

General Provisions Citation	Subject of Citation	Brief Description of Requirement	Applies to Subpart	Explanation
§63.6(b)(1)-(3)	Compliance dates, new and reconstructed sources		No	Section 63.2834 of subpart GGGG specifies the compliance dates for new and reconstructed sources
§63.6(b)(6)	[Reserved]			
§63.6(c)(3)-(4)	[Reserved]			
§63.6(d)	[Reserved]			
§63.6(e)	Operation and maintenance requirements.		Yes	Implement your SSM plan, as specified in §63.2851.
§63.6(f)-(g)	Compliance with nonopacity emission standards except during SSM.	Comply with emission standards at all times except during SSM.	No	Subpart GGGG does not have nonopacity requirements.
§ 63.6(h)	Opacity/ Visible emission (VE) standards.		No	Subpart GGGG has no opacity or VE standards.
§63.6(i)	Compliance extension	Procedures and criteria for responsible agency to grant compliance extension.	Yes	
§63.6(j)	Presidential compliance exemption	President may exempt source category from requirement to comply with subpart.	Yes	

General Provisions Citation	Subject of Citation	Brief Description of Requirement	Applies to Subpart	Explanation
§63.7	Performance testing requirements	Schedule, conditions, notifications and procedures.	Yes	Subpart GGGG requires performance testing only if the source applies additional control that destroys solvent. Section 63.2850(a)(6) requires sources to follow the performance testing guidelines of the General Provisions if a control is added.
§63.8	Monitoring requirements		No	Subpart GGGG does not require monitoring other than as specified therein.
§63.9	Notification requirements	Applicability and state delegation	Yes	Except for subsections of § 63.9 as listed below.
§63.9(b)(2)	Notification requirements	Initial notification requirements for existing sources.	No	Section 63.2860(a) of subpart GGGG specifies the requirements of the initial notification for existing sources.
§63.9(b)(3)-(5)	Notification requirements	Notification requirement for certain new/ reconstructed sources.	Yes	Except the information requirements differ as described in §63.2860(b) of subpart GGGG.
§63.9(e)	Notification of performance test	Notify responsible agency 60 days ahead.	Yes	Applies only if performance testing is performed.
§63.9(f)	Notification of VE/opacity observations.	Notify responsible agency 30 days ahead.	No	Subpart GGGG has no opacity or VE standards.

General Provisions Citation	Subject of Citation	Brief Description of Requirement	Applies to Subpart	Explanation
§63.9(g)	Additional notifications when using a continuous monitoring system (CMS).	Notification of performance evaluation; Notification using COMS data; notification that exceeded criterion for relative accuracy.	No	Subpart GGGG has no CMS requirements.
§63.9(h)	Notification of compliance status	Contents	No	Section 63.2860(d) of subpart GGGG specifies requirements for the notification of compliance status.
§63.10	Recordkeeping/ reporting	Schedule for reporting, record storage	Yes	Except for subsections of § 63.10 as listed below.
§63.10(b)(2)(i)	Recordkeeping	Record SSM event	Yes	Applicable to periods when sources must implement their SSM plan as specified in subpart GGGG.
§63.10(b)(2)(ii)-(iii)	Recordkeeping	Malfunction of air pollution equipment	No	Applies only if air pollution control equipment has been added to the process and is necessary for the source to meet the emission limit.
§63.10(b)(2)(vi)	Recordkeeping	CMS recordkeeping	No	Subpart GGGG has no CMS requirements.
§63.10(b)(2)(viii)-(ix)	Recordkeeping	Conditions of performance test	Yes	Applies only if performance tests are performed Subpart GGGG does not have any CMS opacity or VE observation requirements.

General Provisions Citation	Subject of Citation	Brief Description of Requirement	Applies to Subpart	Explanation
§63.10(b)(2)(x)-(xii)	Recordkeeping	CMS, performance testing, and opacity and VE observations record-keeping.	No	Subpart GGGG does not require CMS.
§63.10(c)	Recordkeeping	Additional CMS recordkeeping	No	Subpart GGGG does not require CMS.
§63.10(d)(2)	Reporting	Reporting performance test results	Yes	Applies only if performance testing is performed.
§63.10(d)(3)	Reporting	Reporting opacity or VE observations	No	Subpart GGGG has no opacity or VE standards.
§63.10(d)(4)	Reporting	Progress reports	Yes	Applies only if a condition of compliance extension exists.

Sec. 63.2871 Who implements and enforces this subpart**?**

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

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under section 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are as follows:

(1) Approval of alternative nonopacity emissions standards under Sec. 63.6(g).

(2) Approval of alternative opacity standards under Sec. 63.6(h)(9).

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

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

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

Sec. 63.2872 What definitions apply to this subpart?

Terms used in this subpart are defined in the sources listed:

(a) The Clean Air Act, section 112(a).

(b) In 40 CFR 63.2, the NESHAP General Provisions.

(c) In this section as follows:

Accounting month means a time interval defined by a business firm during which corporate economic and financial factors are determined on a consistent and regular basis. An accounting month will consist of approximately 4 to 5 calendar weeks and each accounting month will be of approximate equal duration. An accounting month may not correspond exactly to a calendar month, but 12 accounting months will correspond exactly to a calendar year.

Actual solvent loss means the gallons of solvent lost from a source during 12 operating months as determined in accordance with Sec. 63.2853.

Agricultural product means any commercially grown plant or plant product.

Allowable HAP loss means the gallons of HAP that would have been lost from a source if the source was operating at the solvent loss factor for each listed oilseed type. The allowable HAP loss in gallons is determined by multiplying the tons of each oilseed type processed during the previous 12 operating months, as determined in accordance with Sec. 63.2855, by the corresponding oilseed solvent loss factor (gal/ton) listed in Table 1 of Sec. 63.2840, and by the dimensionless constant 0.64, and summing the result for all oilseed types processed.

Area source means any source that does not meet the major source definition.

As received is the basis upon which all oilseed measurements must be determined and refers to the oilseed chemical and physical characteristics as initially received by the source and prior to any oilseed handling and processing.

Batch operation means any process that operates in a manner where the addition of raw material and withdrawal of product do not occur simultaneously. Typically, raw material is added to a process, operational steps occur, and a product is removed from the process. More raw material is then added to the process and the cycle repeats.

Calendar month means 1 month as specified in a calendar.

Compliance date means the date on which monthly compliance recordkeeping begins. For existing sources, recordkeeping typically begins 3 years after the effective date of the subpart. For new and reconstructed sources, recordkeeping typically begins upon initial startup, except as noted in Sec. 63.2834.

Compliance ratio means a ratio of the actual HAP loss in gallons from the previous 12 operating months to an allowable HAP loss in gallons, which is determined by using oilseed solvent loss factors in Table 1 of Sec. 63.2840, the weighted average volume fraction of HAP in solvent received for the previous 12 operating months, and the tons of each type of listed oilseed processed in the previous 12 operating months. Months during which no listed oilseed is processed, or months during which the Sec. 63.2850(c)(2) or (d)(2) initial startup period or the Sec. 63.2850(e)(2) malfunction period applies, are excluded from this calculation. Equation 2 of Sec. 63.2840 is used to calculate this value. If the value is less than or equal to 1.00, the source is in compliance. If the value is greater than 1.00, the source is deviating from compliance.

Continuous operation means any process that adds raw material and withdraws product simultaneously. Mass, temperature, concentration and other properties typically approach steady-state conditions.

Conventional desolventizer means a desolventizer toaster that operates with indirect and direct-contact steam to remove solvent from the extracted meal. Oilseeds processed in a conventional desolventizer produce crude vegetable oil and crude meal products, such as animal feed.

Corn germ dry milling means a source that processes corn germ that has been separated from the other corn components using a “dry” process of mechanical chafing and air sifting.

Corn germ wet milling means a source that processes corn germ that has been separated from other corn components

using a “wet” process of centrifuging a slurry steeped in a dilute sulfurous acid solution.

Exempt period means a period of time during which a source processes agricultural products not defined as listed oilseed.

Extraction solvent means an organic chemical medium used to remove oil from an oilseed. Typically, the extraction solvent is a commercial grade of hexane isomers which have an approximate HAP content of 64 percent by volume.

Hazardous air pollutant (HAP) means any substance or mixture of substances listed as a hazardous air pollutant under section 112(b) of the Clean Air Act, as of April 12, 2001.

Initial startup date means the first calendar day that a new, reconstructed or significantly modified source processes any listed oilseed.

Initial startup period means a period of time from the initial startup date of a new, reconstructed or significantly modified source, for which you choose to operate the source under an initial startup period subject to Sec. 63.2850(c)(2) or (d)(2). During an initial startup period, a source is in compliance with the standards by following the operating and maintenance procedures listed for minimizing HAP emissions in the source’s SSM plan rather than being subject to a HAP emission limit. The initial startup period following initial startup of a new or reconstructed source may not exceed 6 calendar months. The initial startup period following a significant modification may not exceed 3 calendar months. Solvent and oilseed inventory information recorded during the initial startup period is excluded from use in any compliance ratio determinations.

Large cottonseed plant means a vegetable oil production process that processes 120,000 tons or more of cottonseed and other listed oilseed during all normal operating periods in a 12 operating months period used to determine compliance.

Malfunction period means a period of time between the beginning and end of a process malfunction and the time reasonably necessary for a source to correct the malfunction for which you choose to operate the source under a malfunction period subject to Sec. 63.2850(e)(2). This period may include the duration of an unscheduled process shutdown, continued operation during a malfunction, or the subsequent process startup after a shutdown resulting from a malfunction. During a malfunction period, a source complies with the standards

by following the operating and maintenance procedures described for minimizing HAP emissions in the source's SSM plan rather than being subject to a HAP emission limit. Therefore, solvent and oilseed inventory information recorded during a malfunction period is excluded from use in any compliance ratio determinations.

Mechanical extraction means removing vegetable oil from oilseeds using only mechanical devices such as presses or screws that physically force the oil from the oilseed. Mechanical extraction techniques use no organic solvents to remove oil from an oilseed.

Nonoperating period means any period of time in which a source processes no agricultural product. This operating status does not apply during any period in which the source operates under an initial startup period as described in Sec. 63.2850(c)(2) or (d)(2), or a malfunction period, as described in Sec. 63.2850(e)(2).

Normal operating period means any period of time in which a source processes a listed oilseed that is not categorized as an initial startup period as described in Sec. 63.2850(c)(2) or (d)(2), or a malfunction period, as described in Sec. 63.2850(e)(2). At the beginning and ending dates of a normal operating period, solvent and oilseed inventory information is recorded and included in the compliance ratio determination.

Oilseed or listed oilseed means the following agricultural products: corn germ, cottonseed, flax, peanut, rapeseed (for example, canola), safflower, soybean, and sunflower.

Oilseed solvent loss factor means a ratio expressed as gallons of solvent loss per ton of oilseed processed. The solvent loss factors are presented in Table 1 of Sec. 63.2840 and are used to determine the allowable HAP loss.

Operating month means any calendar or accounting month in which a source processes any quantity of listed oilseed, excluding any entire calendar or accounting month in which the source operated under an initial startup period as described in Sec. 63.2850(c)(2) or (d)(2), or a malfunction period as described in Sec. 63.2850(e)(2). An operating month may include time intervals characterized by several types of operating status. However, an operating month must have at least one normal operating period.

Significant modification means the addition of new equipment or the modification of existing equipment that:

(1) Significantly affects solvent losses from your vegetable oil production process;

(2) The fixed capital cost of the new components represents a significant percentage of the fixed capital cost of building a comparable new vegetable oil production process;

(3) The fixed capital cost of the new equipment does not constitute reconstruction as defined in Sec. 63.2; and

(4) Examples of significant modifications include replacement of or major changes to solvent recovery equipment such as extractors, desolventizer-toasters/dryer-coolers, flash desolventizers, and distillation equipment associated with the mineral oil system, and equipment affecting desolventizing efficiency and steady-state operation of your vegetable oil production process such as flaking mills, oilseed heating and conditioning equipment, and cracking mills.

Small cottonseed plant means a vegetable oil production process that processes less than 120,000 tons of cottonseed and other listed oilseed during all normal operating periods in a 12 operating months period used to determine compliance.

Solvent extraction means removing vegetable oil from listed oilseed using an organic solvent in a direct-contact system.

Solvent working capacity means the volume of extraction solvent normally retained in solvent recovery equipment. Examples include components such as the solvent extractor, desolventizer-toaster, solvent storage and working tanks, mineral oil absorption system, condensers, and oil/solvent distillation system.

Specialty desolventizer means a desolventizer that removes excess solvent from soybean meal using vacuum conditions, energy from superheated solvent vapors, or reduced operating conditions (e.g., temperature) as compared to the typical operation of a conventional desolventizer. Soybeans processed in a specialty desolventizer result in high-protein vegetable meal products for human and animal consumption, such as calf milk replacement products and meat extender products.

Vegetable oil production process means the equipment comprising a continuous process for producing crude vegetable oil and meal products, including specialty soybean products, in which oil is removed from listed

oilseeds through direct contact with an organic solvent. Process equipment typically includes the following components: oilseed preparation operations (including conditioning, drying, dehulling, and cracking), solvent extractors, desolventizer-toasters, meal dryers, meal coolers, meal conveyor systems, oil distillation units, solvent evaporators and condensers, solvent recovery system (also referred to as a mineral oil absorption system), vessels storing solvent-laden materials, and crude meal packaging and storage vessels. A vegetable oil production process does not include vegetable oil refining operations (including operations such as bleaching, hydrogenation, and deodorizing) and operations that engage in additional chemical treatment of crude soybean meals produced in specialty desolventizer units (including operations such as soybean isolate production).

10.2 Attachment 2 - Applicable New Source Performance Standards (NSPS)

TITLE 40--PROTECTION OF ENVIRONMENT

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

PART 60--STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES--
Subpart A--General Provisions

Sec. 60.1 Applicability.

(a) Except as provided in subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(b) Any new or revised standard of performance promulgated pursuant to section 111(b) of the Act shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(c) In addition to complying with the provisions of this part, the owner or operator of an affected facility may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Title V of the Clean Air Act (Act) as amended November 15, 1990 (42 U.S.C. 7661). For more information about obtaining an operating permit see part 70 of this chapter.

(d) Site-specific standard for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia.

(1) This paragraph applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia ("site").

(2) Except for compliance with 40 CFR 60.49b(u), the site shall have the option of either complying directly with the requirements of this part, or reducing the site-wide emissions caps in accordance with the procedures set forth in a permit issued pursuant to 40 CFR 52.2454. If the site chooses the option of reducing the site-wide emissions caps in accordance with the procedures set forth in such permit, the

requirements of such permit shall apply in lieu of the otherwise applicable requirements of this part.

(3) Notwithstanding the provisions of paragraph (d)(2) of this section, for any provisions of this part except for **Subpart** Kb, the owner/operator of the site shall comply with the applicable provisions of this part if the Administrator determines that compliance with the provisions of this part is necessary for achieving the objectives of the regulation and the Administrator notifies the site in accordance with the provisions of the permit issued pursuant to 40 CFR 52.2454.

[40 FR 53346, Nov. 17, 1975, as amended at 55 FR 51382, Dec. 13, 1990; 59 FR 12427, Mar. 16, 1994; 62 FR 52641, Oct. 8, 1997]

Sec. 60.2 Definitions.

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

Act means the Clean Air Act (42 U.S.C. 7401 et seq.)

Administrator means the Administrator of the Environmental Protection Agency or his authorized representative.

Affected facility means, with reference to a stationary source, any apparatus to which a standard is applicable.

Alternative method means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

Approved permit program means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to Title V of the Act (42 U.S.C. 7661).

Capital expenditure means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

Clean coal technology demonstration project means a project using funds appropriated under the heading "Department of Energy-Clean

Coal Technology", up to a total amount of $2,500,000,000 for commercial demonstrations of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency.

Commenced means, with respect to the definition of new source in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

Construction means fabrication, erection, or installation of an affected facility.

Continuous monitoring system means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

Electric utility steam generating unit means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

Equivalent method means any method of sampling and analyzing for an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

Excess Emissions and Monitoring Systems Performance Report is a report that must be submitted periodically by a source in order to provide data on its compliance with stated emission limits and operating parameters, and on the performance of its monitoring systems.

Existing facility means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

Isokinetic sampling means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

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

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Modification means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

Monitoring device means the total equipment, required under the monitoring of operations sections in applicable subparts, used to measure and record (if applicable) process parameters.

Nitrogen oxides means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

One-hour period means any 60-minute period commencing on the hour.

Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Owner or operator means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

Part 70 permit means any permit issued, renewed, or revised pursuant to part 70 of this chapter.

Particulate matter means any finely divided solid or liquid material, other than uncombined water, as measured by the reference methods specified under each applicable **subpart**, or an equivalent or alternative method.

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

Permitting authority means:

(1) The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or

(2) The Administrator, in the case of EPA-implemented permit programs under title V of the Act (42 U.S.C. 7661).

Proportional sampling means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

Reactivation of a very clean coal-fired electric utility steam generating unit means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory at the time of enactment;

(2) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NO_x burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

Reference method means any method of sampling and analyzing for an air pollutant as specified in the applicable **subpart**.

Repowering means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magneto hydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990. Repowering shall also include any oil and/or gas-fired unit which has been awarded

clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

Run means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

Shutdown means the cessation of operation of an affected facility for any purpose.

Six-minute period means any one of the 10 equal parts of a one-hour period.

Standard means a standard of performance proposed or promulgated under this part.

Standard conditions means a temperature of 293 K (68F) and a pressure of 101.3 kilopascals (29.92 in Hg).

Startup means the setting in operation of an affected facility for any purpose.

State means all non-Federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement:

(1) The provisions of this part; and/or

(2) the permit program established under part 70 of this chapter. The term State shall have its conventional meaning where clear from the context.

Stationary source means any building, structure, facility, or installation which emits or may emit any air pollutant.

Title V permit means any permit issued, renewed, or revised pursuant to Federal or State regulations established to implement title V of the Act (42 U.S.C. 7661). A title V permit issued by a State permitting authority is called a part 70 permit in this part.

Volatile Organic Compound means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method, an equivalent method, an alternative method, or which is determined by procedures specified under any **subpart**.

[44 FR 55173, Sept. 25, 1979, as amended at 45 FR 5617, Jan. 23, 1980; 45 FR 85415, Dec. 24, 1980; 54 FR 6662, Feb. 14, 1989; 55 FR 51382, Dec. 13, 1990; 57 FR 32338, July 21, 1992; 59 FR 12427, Mar. 16, 1994]

Sec. 60.3 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

(a) System International (SI) units of measure:

A--ampere
g--gram
Hz--hertz
J--joule
K--degree Kelvin
kg--kilogram
m--meter
m^3--cubic meter
mg--milligram--10^{-3} gram
mm--millimeter--10^{-3} meter
Mg--megagram--10^6 gram
mol--mole
N--newton
ng--nanogram--10^{-9} gram
nm--nanometer--10^{-9} meter
Pa--pascal
s--second
V--volt
W--watt
Ω--ohm
µg--microgram--10^{-6} gram

(b) Other units of measure:

Btu--British thermal unit
°C--degree Celsius (centigrade)
cal--calorie
cfm--cubic feet per minute
cu ft--cubic feet
dcf--dry cubic feet
dcm--dry cubic meter
dscf--dry cubic feet at standard conditions
dscm--dry cubic meter at standard conditions
eq--equivalent
°F--degree Fahrenheit
ft--feet
gal--gallon
gr--grain
g-eq--gram equivalent
hr--hour
in--inch
k--1,000
l--liter
lpm--liter per minute
lb--pound
meq--milliequivalent
min--minute

ml--milliliter
mol. wt.--molecular weight
ppb--parts per billion
ppm--parts per million
psia--pounds per square inch absolute
psig--pounds per square inch gage
°R--degree Rankin
scf--cubic feet at standard conditions
scfh--cubic feet per hour at standard conditions
scm--cubic meter at standard conditions
sec--second
sq ft--square feet
std--at standard conditions

(c) Chemical nomenclature:

CdS--cadmium sulfide
CO--carbon monoxide
CO_2--carbon dioxide
HCl--hydrochloric acid
Hg--mercury
H_2O--water
H_2S--hydrogen sulfide
H_2SO_4--sulfuric acid
N_2--nitrogen
NO--nitric oxide
NO_2--nitrogen dioxide
NO_x--nitrogen oxides
O_2--oxygen
SO_2--sulfur dioxide
SO_3--sulfur trioxide
SO_x--sulfur oxides

(d) Miscellaneous:

A.S.T.M.--American Society for Testing and Materials

[42 FR 37000, July 19, 1977; 42 FR 38178, July 27, 1977]

Sec. 60.4 Address.

Refer to the regulations.

Sec. 60.5 Determination of construction or modification.

(a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.

(b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

[40 FR 58418, Dec. 16, 1975]

Sec. 60.6 Review of plans.

(a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.

(b) (1) A separate request shall be submitted for each construction or modification project.

(2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.

(c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974]

Sec. 60.7 Notification and record keeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

(1) A notification of the date construction (or reconstruction as defined under Sec. 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(2) [Reserved]

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable **subpart** or in Sec. 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with Sec. 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

(6) A notification of the anticipated date for conducting the opacity observations required by Sec. 60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

(7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by Sec. 60.8 in lieu of Method 9 observation data as allowed by Sec. 60.11(e)(5) of this part. This notification shall be postmarked not less than 30 days prior to the date of the performance test.

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report

form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable **subpart**; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

(1) The magnitude of excess emissions computed in accordance with Sec. 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(d) The summary report form shall contain the information and be in the format shown in figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

(1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in Sec. 60.7(c) need not be submitted unless requested by the Administrator.

(2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or

greater of the total operating time for the reporting period, the summary report form and the excess emission report described in Sec. 60.7(c) shall both be submitted.

Figure 1--Summary Report--Gaseous and Opacity Excess Emission and Monitoring System Performance

Pollutant (Circle One -- SO_2/NO_X/TRS/H_2S/CO/Opacity)
Reporting period dates: From _____ to _____
Company:

Emission Limitation_____
Address:
Monitor Manufacturer and Model No._____
Date of Latest CMS Certification or Audit_____
Process Unit(s) Description:
Total source operating time in reporting period [1]_____

CMS performance
Emission data summary[1]
summary[1]

1. Duration of excess 1. CMS downtime in emissions in reporting period due period due to:

   a. Startup/shutdown

   b. Monitor equipment malfunctions.

   c. Control equipment

   d. Non-Monitor problems. Equipment malfunctions.

   e. Process problems

   f. Quality assurance calibration.

   g. Other known causes

   h. Other known causes.

   i. Unknown causes

2. Total duration of excess

3. Total CMS Downtime emission.

4. Total duration of excess % [2]

5. [Total CMS % [2] emissions x (100) [Total Downtime] x (100) source operating time]. [Total source operating time].

[1] For opacity, record all times in minutes. For gases, record all times in hours.

[2] For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in Sec. 60.7(c) shall be submitted.

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

_____
Name

_____
Signature

_____
Title

_____
Date

(e) (1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable **subpart** to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this part continually demonstrate that the facility is in compliance with the applicable standard;

(ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this **subpart** and the applicable standard; and

(iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.

(2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.

(f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:

(1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(g) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.

(h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

[36 FR 24877, Dec. 28, 1971, as amended at 40 FR 46254, Oct. 6, 1975; 40 FR 58418, Dec. 16, 1975; 45 FR 5617, Jan. 23, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 52 FR 9781, Mar. 26, 1987;

55 FR 51382, Dec. 13, 1990; 59 FR 12428, Mar. 16, 1994; 59 FR 47265, Sep. 15, 1994; 64 FR 7463, Feb. 12, 1999]

Sec. 60.8 Performance tests.

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable **subpart** unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the

scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

(2) Safe sampling platform(s).

(3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

(f) Unless otherwise specified in the applicable **subpart**, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974; 42 FR 57126, Nov. 1, 1977; 44 FR 33612, June 11, 1979; 54 FR 6662, Feb. 14, 1989; 54 FR 21344, May 17, 1989; 64 FR 7463, Feb. 12, 1999]

Sec. 60.9 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter. (Information submitted

voluntarily to the Administrator for the purposes of Secs. 60.5 and 60.6 is governed by Secs. 2.201 through 2.213 of this chapter and not by Sec. 2.301 of this chapter.)

Sec. 60.10 State authority.

The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from:

(a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.

(b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

Sec. 60.11 Compliance with standards and maintenance requirements.

(a) Compliance with standards in this part, other than opacity standards, shall be determined in accordance with performance tests established by Sec. 60.8, unless otherwise specified in the applicable standard.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in Sec. 60.8 unless one of the following conditions apply. If no performance test under Sec. 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under Sec. 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in Sec. 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under Sec. 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

(2) Except as provided in paragraph (e)(3) of this section, the owner or operator of an affected

facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph (b) of this section, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under Sec. 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in Sec. 60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph (e)(1) of this section shall apply.

(4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by Sec. 60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and Sec. 60.8 performance test results.

(5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under Sec. 60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under Sec. 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under Sec. 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test

required under Sec. 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under Sec. 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in Sec. 60.13(c) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.

(6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by Sec. 60.8, the opacity observation results and observer certification required by Sec. 60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by Sec. 60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with Sec. 60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the Federal Register.

(f) Special provisions set forth under an applicable **subpart** shall supersede any conflicting provisions in paragraphs (a) through (e) of this section.

(g) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[38 FR 28565, Oct. 15, 1973, as amended at 39 FR 39873, Nov. 12, 1974; 43 FR 8800, Mar. 3, 1978; 45 FR 23379, Apr. 4, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 51 FR 1790, Jan. 15, 1986; 52 FR 9781, Mar. 26, 1987; 62 FR 8328, Feb. 24, 1997; 65 FR 61749, Oct. 17, 2000]

Sec. 60.12 Circumvention.

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[39 FR 9314, Mar. 8, 1974]

Sec. 60.13 Monitoring requirements.

(a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless otherwise specified in an applicable **subpart** or by the Administrator. Appendix F is applicable December 4, 1987.

(b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under Sec. 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.

(c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under Sec. 60.11(e)(5), he shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, appendix B, of this part before the performance test required under Sec. 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under Sec. 60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of this part, The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.

(1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under Sec. 60.8 and as described in Sec. 60.11(e)(5) shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in paragraph (c) of this section at least 10 days before the performance test required under Sec. 60.8 is conducted.

(2) Except as provided in paragraph (c)(1) of this section, the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.

(d) (1) Owners and operators of a CEMS installed in accordance with the provisions of this part, must automatically check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in appendix

B of this part. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified. Owners and operators of a COMS installed in accordance with the provisions of this part, must automatically, intrinsic to the opacity monitor, check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of PS-1 in appendix B of this part. For continuous monitoring systems measuring opacity of emissions not using automatic zero adjustments, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments. For systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(2) Unless otherwise approved by the Administrator, the following procedures must be followed for a COMS. Minimum procedures must include an automated method for producing a simulated zero opacity condition and an upscale opacity condition using a certified neutral density filter or other related technique to produce a known obstruction of the light beam. Such procedures must provide a system check of all active analyzer internal optics with power or curvature, all active electronic circuitry including the light source and photodetector assembly, and electronic or electro-mechanical systems and hardware and or software used during normal measurement operation.

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(2) All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of this part shall be used.

(g) (1) When more than one continuous monitoring system is used to measure the emissions from only one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless installation of fewer systems is approved by the Administrator.

(2) When the effluents from two or more affected facilities subject to the same opacity standard are combined before being released to the atmosphere, the owner or operator may either install a continuous opacity monitoring system at a location monitoring the combined effluent or install an opacity combiner system comprised of opacity and flow monitoring systems on each stream, and shall report as per Sec. 60.7(c) on the combined effluent. When the affected facilities are not subject to the same opacity standard, the owner or operator shall report the results as per Sec. 60.7(c) on the combined effluent against the most stringent opacity standard applicable, except for documented periods of shutdown of the affected facility, subject to the most stringent opacity standard. During such times, the next most stringent opacity standard shall apply.

(3) When the effluents from two or more affected facilities subject to the same emissions standard, other than opacity, are combined before being released to the atmosphere, the owner or operator may install applicable continuous emission monitoring systems on each effluent or on the combined effluent. The owner or operator may report the results as required for each affected facility or for the combined effluent. When the affected facilities are not subject to the same emissions standard, separate continuous emission monitoring systems shall be installed on each effluent and the owner or operator shall report as required for each affected facility.

(h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-

minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in Sec. 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners and operators complying with the requirements in Sec. 60.7(f) (1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or ng/J of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

(i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:

(1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.

(2) Alternative monitoring requirements when the affected facility is infrequently operated.

(3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

(4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(5) Alternative methods of converting pollutant concentration measurements to units of the standards.

(6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

(7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any **subpart**.

(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.

(9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.

(j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:

(1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in Section 8.4 of Performance Specification 2 and substitute the procedures in Section 16.0 if the results of a performance test conducted according to the requirements in Sec. 60.8 of this **subpart** or other tests performed following the criteria in Sec. 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in Section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the

concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

(2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure, that the CEMS data indicate that the source emissions are approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable regulation(s) [e.g., Sec. 60.45(g) (2) and (3), Sec. 60.73(e), and Sec. 60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in Section 8.4 of Performance Specification 2.

[40 FR 46255, Oct. 6, 1975; 40 FR 59205, Dec. 22, 1975, as amended at 41 FR 35185, Aug. 20, 1976; 48 FR 13326, Mar. 30, 1983; 48 FR 23610, May 25, 1983; 48 FR 32986, July 20, 1983; 52 FR 9782, Mar. 26, 1987; 52 FR 17555, May 11, 1987; 52 FR 21007, June 4, 1987; 64 FR 7463, Feb. 12, 1999; 65 FR 48920, Aug. 10, 2000; 65 FR 61749, Oct. 17, 2000]

Editorial Note: At 65 FR 61749, Oct. 17, 2000, Sec. 60.13 was amended by revising the words "ng/J of pollutant" to read "ng of pollutant per J of heat input" in the sixth sentence of paragraph (h). However, the amendment could not be incorporated because the words "ng/J of pollutant" do not exist in the sixth sentence of paragraph (h).

Sec. 60.14 Modification.

(a) Except as provided under paragraphs (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

(b) Emission rate shall be expressed as kg/hr of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrates that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in paragraph (b)(1) of this section does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in paragraph (b)(1) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in appendix C of this part shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

(c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.

(d) [Reserved]

(e) The following shall not, by themselves, be considered modifications under this part:

(1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of paragraph (c) of this section and Sec. 60.15.

(2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by Sec. 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.

(5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.

(6) The relocation or change in ownership of an existing facility.

(f) Special provisions set forth under an applicable **subpart** of this part shall supersede any conflicting provisions of this section.

(g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraph (a) of this section, compliance with all applicable standards must be achieved.

(h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.

(i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.

(j) (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.

(2) This exemption shall not apply to any new unit that:

(i) Is designated as a replacement for an existing unit;

(ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and

(iii) Is located at a different site than the existing unit.

(k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A temporary clean coal control technology demonstration project, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

[40 FR 58419, Dec. 16, 1975, as amended at 43 FR 34347, Aug. 3, 1978; 45 FR 5617, Jan. 23, 1980; 57 FR 32339, July 21, 1992; 65 FR 61750, Oct. 17, 2000]

Sec. 60.15 Reconstruction.

(a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.

(b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

(c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

(e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.

(f) The Administrator's determination under paragraph (e) shall be based on:

(1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;

(3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

[40 FR 58420, Dec. 16, 1975]

Sec. 60.16 Priority list.

Prioritized Major Source Categories

Priority Number[1]	Source Category
1.	Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Volatile Organic Liquid Storage Vessels and Handling Equipment
	(a) SOCMI unit processes
	(b) Volatile organic liquid (VOL) storage vessels and handling equipment
	(c) SOCMI fugitive sources

(d) SOCMI secondary sources

2. Industrial Surface Coating: Cans

3. Petroleum Refineries: Fugitive Sources

4. Industrial Surface Coating: Paper

5. Dry Cleaning

   (a) Perchloroethylene

   (b) Petroleum solvent

6. Graphic Arts

7. Polymers and Resins: Acrylic Resins

8. Mineral Wool (Deleted)

9. Stationary Internal Combustion Engines

10. Industrial Surface Coating: Fabric

11. Industrial-Commercial-Institutional Steam Generating Units.

12. Incineration: Non-Municipal (Deleted)

13. Non-Metallic Mineral Processing

14. Metallic Mineral Processing

15. Secondary Copper (Deleted)

16. Phosphate Rock Preparation

17. Foundries: Steel and Gray Iron

18. Polymers and Resins: Polyethylene

19. Charcoal Production

20. Synthetic Rubber

   (a) Tire manufacture

   (b) SBR production

21. Vegetable Oil

22. Industrial Surface Coating: Metal Coil

23. Petroleum Transportation and Marketing
24. By-Product Coke Ovens
25. Synthetic Fibers
26. Plywood Manufacture
27. Industrial Surface Coating: Automobiles
28. Industrial Surface Coating: Large Appliances
29. Crude Oil and Natural Gas Production
30. Secondary Aluminum
31. Potash (Deleted)
32. Lightweight Aggregate Industry: Clay, Shale, and Slate[2]
33. Glass
34. Gypsum
35. Sodium Carbonate
36. Secondary Zinc (Deleted)
37. Polymers and Resins: Phenolic
38. Polymers and Resins: Urea-Melamine
39. Ammonia (Deleted)
40. Polymers and Resins: Polystyrene
41. Polymers and Resins: ABS-SAN Resins
42. Fiberglass
43. Polymers and Resins: Polypropylene
44. Textile Processing
45. Asphalt Processing and Asphalt Roofing Manufacture
46. Brick and Related Clay Products
47. Ceramic Clay Manufacturing (Deleted)
48. Ammonium Nitrate Fertilizer
49. Castable Refractories (Deleted)

50. Borax and Boric Acid (Deleted)

51. Polymers and Resins: Polyester Resins

52. Ammonium Sulfate

53. Starch

54. Perlite

55. Phosphoric Acid: Thermal Process (Deleted)

56. Uranium Refining

57. Animal Feed Defluorination (Deleted)

58. Urea (for fertilizer and polymers)

59. Detergent (Deleted) Other Source Categories

Lead acid battery manufacture[3]
Organic solvent cleaning[3]
Industrial surface coating: metal furniture[3]
Stationary gas turbines[4]
Municipal solid waste landfills[4]

[1] Low numbers have highest priority, e.g., No. 1 is high priority, No. 59 is low priority.

[2] Formerly titled "Sintering: Clay and Fly Ash".

[3] Minor source category, but included on list since an NSPS is being developed for that source category.

[4] Not prioritized, since an NSPS for this major source category has already been promulgated.

[47 FR 951, Jan. 8, 1982, as amended at 47 FR 31876, July 23, 1982; 51 FR 42796, Nov. 25, 1986; 52 FR 11428, Apr. 8, 1987; 61 FR 9919, Mar. 12, 1996]

Sec. 60.17 Incorporations by reference.

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, NC.

(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

(1) ASTM A99-76, 82 (Reapproved 1987), Standard Specification for Ferromanganese, incorporation by reference (IBR) approved January 27, 1983 for Sec. 60.261.

(2) ASTM A100-69, 74, 93, Standard Specification for Ferrosilicon, IBR approved January 27, 1983 for Sec. 60.261.

(3) ASTM A101-73, 93, Standard Specification for Ferrochromium, IBR approved January 27, 1983 for Sec. 60.261.

(4) ASTM A482-76, 93, Standard Specification for Ferrochrome silicon, IBR approved January 27, 1983 for Sec. 60.261.

(5) ASTM A483-64, 74 (Reapproved 1988), Standard Specification for Silicomanganese, IBR approved January 27, 1983 for Sec. 60.261.

(6) ASTM A495-76, 94, Standard Specification for Calcium-Silicon and Calcium Manganese-Silicon, IBR approved January 27, 1983 for Sec. 60.261.

(7) ASTM D86-78, 82, 90, 93, 95, 96, Distillation of Petroleum Products, IBR approved for Secs. 60.562-2(d), 60.593(d), and 60.633(h).

(8) ASTM D129-64, 78, 95, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for Appendix A: Method 19, Section 12.5.2.2.3; and Sec. 60.106(j)(2).

(9) ASTM D240-76, 92, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved January 27, 1983 for Secs. 60.46(c), 60.296(b), and Appendix A: Method 19, Section 12.5.2.2.3.

(10) ASTM D270-65, 75, Standard Method of Sampling Petroleum and Petroleum Products, IBR approved January 27, 1983 for Appendix A: Method 19, Section 12.5.2.2.1.

(11) ASTM D323-82, 94, Test Method for Vapor Pressure of Petroleum Products (Reid Method), IBR approved April

8, 1987 for Secs. 60.111(l), 60.111a(g), 60.111b(g), and 60.116b(f)(2)(ii).

(12) ASTM D388-77, 90, 91, 95, 98a, Standard Specification for Classification of Coals by Rank, IBR approved for Secs. 60.41(f), 60.45(f)(4)(i), 60.45(f)(4)(ii), 60.45(f)(4)(vi), 60.41a, 60.41b, and 60.251(b) and (c).

(13) ASTM D396-78, 89, 90, 92, 96, 98, Standard Specification for Fuel Oils, IBR approved for Secs. 60.41b, 60.41c, 60.111(b), and 60.111a(b).

(14) ASTM D975-78, 96, 98a, Standard Specification for Diesel Fuel Oils, IBR approved January 27, 1983 for Secs. 60.111(b) and 60.111a(b).

(15) ASTM D1072-80, 90 (Reapproved 1994), Standard Method for Total Sulfur in Fuel Gases, IBR approved July 31, 1984 for Sec. 60.335(d).

(16) ASTM D1137-53, 75, Standard Method for Analysis of Natural Gases and Related Types of Gaseous Mixtures by the Mass Spectrometer, IBR approved January 27, 1983 for Sec. 60.45(f)(5)(i).

(17) ASTM D1193-77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 5, Section 7.2.3; Method 5E, Section 7.2.1; Method 5F, Section 7.2.1; Method 6, Section 7.2.1; Method 7, Section 7.2.1; Method 7C, Section 7.2.1; Method 7D, Section 7.2.1; Method 10A, Section 7.2.1; Method 11, Section 7.2.3; Method 12, Section 7.2.3; Method 13A, Section 7.2.2; Method 26, Section 7.2.2; Method 26A, Section 7.2.2; and Method 29, Section 7.2.2.

(18) ASTM D1266-87, 91, 98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), IBR approved August 17, 1989 for Sec. 60.106(j)(2).

(19) ASTM D1475-60 (Reapproved 1980), 90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved January 27, 1983 for Sec. 60.435(d)(1), Appendix A: Method 24, Section 6.1; and Method 24A, Sections 6.5 and 7.2.

(20) ASTM D1552-83, 95, Standard Test Method for Sulfur in Petroleum Products (High Temperature Method), IBR approved for Appendix A: Method 19, Section 12.5.2.2.3; and Sec. 60.106(j)(2).

(21) ASTM D1826-77, 94, Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter, IBR approved January 27, 1983

for Secs. 60.45(f)(5)(ii), 60.46(c)(2), 60.296(b)(3), and Appendix A: Method 19, Section 12.3.2.4.

(22) ASTM D1835-87, 91, 97, Standard Specification for Liquefied Petroleum (LP) Gases, approved for Secs. 60.41b and 60.41c.

(23) ASTM D1945-64, 76, 91, 96, Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved January 27, 1983 for Sec. 60.45(f)(5)(i).

(24) ASTM D1946-77, 90 (Reapproved 1994), Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for Secs. 60.45(f)(5)(i), 60.18(f)(3), 60.614(e)(2)(ii), 60.614(e)(4), 60.664(e)(2)(ii), 60.664(e)(4), 60.564(f)(1), 60.704(d)(2)(ii), and 60.704(d)(4).

(25) ASTM D2013-72, 86, Standard Method of Preparing Coal Samples for Analysis, IBR approved January 27, 1983, for Appendix A: Method 19, Section 12.5.2.1.3.

(26) ASTM D2015-77 (Reapproved 1978), 96, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved January 27, 1983 for Sec. 60.45(f)(5)(ii), 60.46(c)(2), and Appendix A: Method 19, Section 12.5.2.1.3.

(27) ASTM D2016-74, 83, Standard Test Methods for Moisture Content of Wood, IBR approved for Appendix A: Method 28, Section 16.1.1.

(28) ASTM D2234-76, 96, 97b, 98, Standard Methods for Collection of a Gross Sample of Coal, IBR approved January 27, 1983 for Appendix A: Method 19, Section 12.5.2.1.1.

(29) ASTM D2369-81, 87, 90, 92, 93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved January 27, 1983 for Appendix A: Method 24, Section 6.2.

(30) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for Secs. 60.18(f)(3), 60.485(g)(6), 60.614(e)(4), 60.664(e)(4), 60.564(f)(3), and 60.704(d)(4).

(31) ASTM D2504-67, 77, 88 (Reapproved 1993), Noncondensable Gases in C_3 and Lighter Hydrocarbon Products by Gas Chromatography, IBR approved for Sec. 60.485(g)(5).

(32) ASTM D2584-68 (Reapproved 1985), 94, Standard Test Method for Ignition Loss of Cured Reinforced Resins, IBR approved February 25, 1985 for Sec. 60.685(c)(3)(i).

(33) ASTM D2622-87, 94, 98, Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry, IBR approved August 17, 1989 for Sec. 60.106(j)(2).

(34) ASTM D2879-83, 96, 97, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved April 8, 1987 for Secs. 60.485(e)(1), 60.111b(f)(3), 60.116b(e)(3)(ii), and 60.116b(f)(2)(i).

(35) ASTM D2880-78, 96, Standard Specification for Gas Turbine Fuel Oils, IBR approved January 27, 1983 for Secs. 60.111(b), 60.111a(b), and 60.335(d).

(36) ASTM D2908-74, 91, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, IBR approved for Sec. 60.564(j).

(37) ASTM D2986-71, 78, 95a, Standard Method for Evaluation of Air, Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test, IBR approved January 27, 1983 for Appendix A: Method 5, Section 7.2.1; Method 12, Section 7.2.1; and Method 13A, Section 7.2.1.2.

(38) ASTM D3031-81, Standard Test Method for Total Sulfur in Natural Gas by Hydrogenation, IBR approved July 31, 1984 for Sec. 60.335(d).

(39) ASTM D3173-73, 87, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for Appendix A: Method 19, Section 12.5.2.1.3.

(40) ASTM D3176-74, 89, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved January 27, 1983 for Sec. 60.45(f)(5)(i) and Appendix A: Method 19, Section 12.3.2.3.

(41) ASTM D3177-75, 89, Standard Test Method for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for Appendix A: Method 19, Section 12.5.2.1.3.

(42) ASTM D3178-73 (Reapproved 1979), 89, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for Sec. 60.45(f)(5)(i).

(43) ASTM D3246-81, 92, 96, Standard Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved July 31, 1984 for Sec. 60.335(d).

(44) ASTM D3270-73T, 80, 91, 95, Standard Test Methods for Analysis for Fluoride Content of the Atmosphere and Plant Tissues (Semiautomated Method), IBR approved for Appendix A: Method 13A, Section 16.1.

(45) ASTM D3286-85, 96, Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.

(46) ASTM D3370-76, 95a, Standard Practices for Sampling Water, IBR approved for Sec. 60.564(j).

(47) ASTM D3792-79, 91, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved January 27, 1983 for Appendix A: Method 24, Section 6.3.

(48) ASTM D4017-81, 90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved January 27, 1983 for Appendix A: Method 24, Section 6.4.

(49) ASTM D4057-81, 95, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.3.

(50) ASTM D4084-82, 94, Standard Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved July 31, 1984 for Sec. 60.335(d).

(51) ASTM D4177-95, Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, 12.5.2.2.1.

(52) ASTM D4239-85, 94, 97, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.

(53) ASTM D4442-84, 92, Standard Test Methods for Direct Moisture Content Measurement in Wood and Wood-base Materials, IBR approved for Appendix A: Method 28, Section 16.1.1.

(54) ASTM D4444-92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters, IBR approved for Appendix A: Method 28, Section 16.1.1.

(55) ASTM D4457-85 (Reapproved 1991), Test Method for Determination of Dichloromethane and 1, 1, 1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph, IBR approved for Appendix A: Method 24, Section 6.5.

(56) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for Secs. 60.18(f)(3), 60.485(g)(6), 60.564(f)(3), 60.614(d)(4), 60.664(e)(4), and 60.704(d)(4).

(57) ASTM D5403-93, Standard Test Methods for Volatile Content of Radiation Curable Materials. IBR approved September 11, 1995 for Appendix A: Method 24, Section 6.6.

(58) ASTM D5865-98, Standard Test Method for Gross Calorific Value of Coal and Coke. IBR approved for Sec. 60.45(f)(5)(ii), 60.46(c)(2), and Appendix A: Method 19, Section 12.5.2.1.3.

(59) ASTM E168-67, 77, 92, General Techniques of Infrared Quantitative Analysis, IBR approved for Secs. 60.593(b)(2) and 60.632(f).

(60) ASTM E169-63, 77, 93, General Techniques of Ultraviolet Quantitative Analysis, IBR approved for Secs. 60.593(b)(2) and 60.632(f).

(61) ASTM E260-73, 91, 96, General Gas Chromatography Procedures, IBR approved for Secs. 60.593(b)(2) and 60.632(f).

(62)-(63) [Reserved]

(64) ASTM D 6216-98 Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, IBR approved February 6, 2001 for appendix B, PS-1.

(b) The following material is available for purchase from the Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, VA 22209.

(1) AOAC Method 9, Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12, IBR approved January 27, 1983 for Secs. 60.204(b)(3), 60.214(b)(3), 60.224(b)(3), 60.234(b)(3).

(c) The following material is available for purchase from the American Petroleum Institute, 1220 L Street NW., Washington, DC 20005.

(1) API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980, IBR approved January 27, 1983, for Secs. 60.111(i), 60.111a(f), 60.111a(f)(1) and 60.116b(e)(2)(i).

(d) The following material is available for purchase from the Technical Association of the Pulp and Paper Industry (TAPPI), Dunwoody Park, Atlanta, GA 30341.

(1) TAPPI Method T624 os-68, IBR approved January 27, 1983 for Sec. 60.285(d)(3).

(e) The following material is available for purchase from the Water Pollution Control Federation (WPCF), 2626 Pennsylvania Avenue NW., Washington, DC 20037.

(1) Method 209A, Total Residue Dried at 103-105 deg. C, in Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1980, IBR approved February 25, 1985 for Sec. 60.683(b).

(f) The following material is available for purchase from the following address: Underwriter's Laboratories, Inc. (UL), 333 Pfingsten Road, Northbrook, IL 60062.

(1) UL 103, Sixth Edition revised as of September 3, 1986, Standard for Chimneys, Factory-built, Residential Type and Building Heating Appliance.

(g) The following material is available for purchase from the following address: West Coast Lumber Inspection Bureau, 6980 SW. Barnes Road, Portland, OR 97223.

(1) West Coast Lumber Standard Grading Rules No. 16, pages 5-21 and 90 and 91, September 3, 1970, revised 1984.

(h) The following material is available for purchase from the American Society of Mechanical Engineers (ASME), 345 East 47th Street, New York, NY 10017.

(1) ASME QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators, IBR approved for Secs. 60.56a, 60.54b(a), 60.54b(b), 60.1185(a), 60.1185(c)(2), 60.1675(a), and 60.1675(c)(2).

(2) ASME PTC 4.1-1964 (Reaffirmed 1991), Power Test Codes: Test Code for Steam Generating Units (with

1968 and 1969 Addenda), IBR approved for Secs. 60.46b, 60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)(3) and 60.1810(a)(3).

(3) ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971), IBR approved for Secs. 60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)(4), and 60.1810(a)(4).

(i) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996). This document may be obtained from the U.S. EPA, Office of Solid Waste and Emergency Response, Waste Characterization Branch, Washington, DC 20460, and is incorporated by reference for appendix A to part 60, Method 29, Sections 7.5.34; 9.2.1; 9.2.3; 10.2; 10.3; 11.1.1; 11.1.3; 13.2.1; 13.2.2; 13.3.1; and Table 29-3.

(j) "Standard Methods for the Examination of Water and Wastewater," 16th edition, 1985. Method 303F: "Determination of Mercury by the Cold Vapor Technique." This document may be obtained from the American Public Health Association, 1015 18th Street, NW., Washington, DC 20036, and is incorporated by reference for appendix A to part 60, Method 29, Sections 9.2.3; 10.3; and 11.1.3.

(k) This material is available for purchase from the American Hospital Association (AHA) Service, Inc., Post Office Box 92683, Chicago, Illinois 60675-2683. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A-91-61, Item IV-J-124), Room M-1500, 1200 Pennsylvania Ave., NW., Washington, DC.

(1) An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities. American Society for Health Care Environmental Services of the American Hospital Association. Chicago, Illinois. 1993. AHA Catalog No. 057007. ISBN 0-87258-673-5. IBR approved for Sec. 60.35e and Sec. 60.55c.

(l) This material is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A-91-61, Item IV-J-125), Room M-1500, 1200 Pennsylvania Ave., NW., Washington, DC.

(1) OMB Bulletin No. 93-17: Revised Statistical Definitions for Metropolitan Areas. Office of

Management and Budget, June 30, 1993. NTIS No. PB 93-192-664. IBR approved for Sec. 60.31e.

[48 FR 3735, Jan. 27, 1983]

Editorial Note: For Federal Register citations affecting Sec. 60.17, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Sec. 60.18 General control device requirements.

(a) Introduction. This section contains requirements for control devices used to comply with applicable subparts of parts 60 and 61. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.

(b) Flares. Paragraphs (c) through (f) apply to flares.

(c) (1) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(2) Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f).

(3) An owner/operator has the choice of adhering to either the heat content specifications in paragraph (c)(3)(ii) of this section and the maximum tip velocity specifications in paragraph (c)(4) of this section, or adhering to the requirements in paragraph (c)(3)(i) of this section.

(i) (A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume), or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity, V_{max}, as determined by the following equation:

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

Where:

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

K_1 = Constant, 6.0 volume-percent hydrogen.

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

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in Sec. 60.17).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (f)(4) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f)(3) of this section.

(4) (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4) of this section, less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (c)(4) (ii) and (iii) of this section.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), less than the velocity, V_{max}, as determined by the method specified in paragraph (f)(5), and less than 122 m/sec (400 ft/sec) are allowed.

(5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, V_{max}, as determined by the method specified in paragraph (f)(6).

(6) Flares used to comply with this section shall be steam-assisted, air-assisted, or nonassisted.

(d) Owners or operators of flares used to comply with the provisions of this **subpart** shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

(e) Flares used to comply with provisions of this **subpart** shall be operated at all times when emissions may be vented to them.

(f) (1) Method 22 of appendix A to this part shall be used to determine the compliance of flares with the visible emission provisions of this **subpart**. The observation period is 2 hours and shall be used according to Method 22.

(2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(3) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

Where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C;

K = Constant,

$$1.740 \times 10^{-17} \left(\frac{1}{\text{ppm}}\right)\left(\frac{\text{g mole}}{\text{scm}}\right)\left(\frac{\text{MJ}}{\text{kcal}}\right)$$

where the standard temperature for $\left(\frac{\text{g mole}}{\text{scm}}\right)$ is 20°C;

C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-77 or 90 (Reapproved 1994) (Incorporated by reference as specified in Sec. 60.17); and

H_i = Net heat of combustion of sample component i, kcal/g mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 (incorporated by reference as specified in Sec. 60.17) if published values are not available or cannot be calculated.

(4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

(5) The maximum permitted velocity, V_{max}, for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation.

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

V_{max} = Maximum permitted velocity, M/sec

28.8 = Constant

31.7 = Constant

H_T = The net heating value as determined in paragraph (f)(3).

(6) The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation.

$$V_{max} = 8.706 + 0.7084\ (H_T)$$

V_{max} = Maximum permitted velocity, m/sec
8.706 = Constant
0.7084 = Constant
H_T = The net heating value as determined in paragraph (f)(3).

[51 FR 2701, Jan. 21, 1986, as amended at 63 FR 24444, May 4, 1998; 65 FR 61752, Oct. 17, 2000]

Sec. 60.19 General notification and reporting requirements.

(a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

(b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for

the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.

(c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable **subpart** in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in

each State beginning 1 year after the stationary source is required to be in compliance with the applicable **subpart** in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(f) (1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

[59 FR 12428, Mar. 16, 1994, as amended at 64 FR 7463, Feb. 12, 1998]

TITLE 40--PROTECTION OF ENVIRONMENT

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

PART 60--STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES--
Subpart Dc-Small Industrial –Commercial-Industrial Steam Generating Units

Sec. 60.40c Applicability and delegation of authority.

(a) Except as provided in paragraph (d) of this section, the affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr).

(b) In delegating implementation and enforcement authority to a State under section 111(c) of the Clean Air Act, § 60.48c(a)(4) shall be retained by the Administrator and not transferred to a State.

(c) Steam generating units which meet the applicability requirements in paragraph (a) of this section are not subject to the sulfur dioxide (SO_2) or particulate matter (PM) emission limits, performance testing requirements, or monitoring requirements under this subpart (§§ 60.42c, 60.43c, 60.44c, 60.45c, 60.46c, or 60.47c) during periods of combustion research, as defined in § 60.41c.

(d) Any temporary change to an existing steam generating unit for the purpose of conducting combustion research is not considered a modification under § 60.14.

[55 FR 37683, Sept. 12, 1990, as amended at 61 FR 20736, Ma 8, 1996]

Sec. 60.41c Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act and in subpart A of this part.

Annual capacity factor means the ratio between the actual heat input to a steam generating unit from an individual fuel or combination of fuels during a period of 12 consecutive calendar months and the potential heat input to the steam generating unit from all fuels had the steam ch a separate source (such as a stationary gas turbine, internal combustion engine, or kiln) provides exhaust gas to a steam generating unit.

Coal means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials in ASTM D388-77, "Standard Specification for Classification of Coals by Rank" (incorporated by reference -- see § 60.17); coal refuse; and petroleum coke. Synthetic fuels derived from coal for the purpose of creating useful heat, including but not limited to solvent-refined coal, gasified coal, coal-oil mixtures, and coal-water mixtures, are included in this definition for the purposes of this subpart.

Coal refuse means any by-product of coal mining or coal cleaning operations with an ash content greater than 50 percent (by weight) and a heating value less than 13,900 kilojoules per kilogram (kJ/kg) (6,000 Btu per pound (Btu/lb) on a dry basis.

Cogeneration steam generating unit means a steam generating unit that simultaneously produces both electrical (or mechanical) and thermal energy from the same primary energy source.

Combined cycle system means a system in which a separate source (such as a stationary gas turbine, internal combustion engine, or kiln) provides exhaust gas to a steam generating unit.

Combustion research means the experimental firing of any fuel or combination of fuels in a steam generating unit for the purpose of conducting research and development of more efficient combustion or more effective prevention or control of air pollutant emissions from combustion, provided that, during these periods of research and development, the heat generated is not used for any purpose other than preheating combustion air for use by that steam generating unit (i.e., the heat generated is released to the atmosphere without being used for space heating, process heating, driving pumps, preheating combustion air for other units, generating electricity, or any other purpose).

Conventional technology means wet flue gas desulfurization technology, dry flue gas desulfurization technology, atmospheric fluidized bed combustion technology, and oil hydrodesulfurization technology.

Distillate oil means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, 89, 90, 92, 96, or 98, "Standard Specification for Fuel Oils" (incorporated by reference -- see § 60.17).

Dry flue gas desulfurization technology means a sulfur dioxide (SO_2) control system that is located between the steam generating unit and the exhaust vent or stack, and that removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a dry powder material. This definition includes devices where the dry powder material is subsequently converted to another form. Alkaline reagents used in dry flue

gas desulfurization systems include, but are not limited to, lime and sodium compounds.

Duct burner means a device that combusts fuel and that is placed in the exhaust duct from another source (such as a stationary gas turbine, internal combustion engine, kiln, etc.) to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a steam generating unit.

Emerging technology means any SO_2 control system that is not defined as a conventional technology under this section, and for which the owner or operator of the affected facility has received approval from the Administrator to operate as an emerging technology under § 60.48c(a)(4).

Federally enforceable means all limitations and conditions that are enforceable by the Administrator, including the requirements of 40 CFR Parts 60 and 61, requirements within any applicable State implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

Fluidized bed combustion technology means a device wherein fuel is distributed onto a bed (or series of beds) of limestone aggregate (or other sorbent materials) for combustion; and these materials are forced upward in the device by the flow of combustion air and the gaseous products of combustion. Fluidized bed combustion technology includes, but is not limited to, bubbling bed units and circulating bed units.

Fuel pretreatment means a process that removes a portion of the sulfur in a fuel before combustion of the fuel in a steam generating unit.

Heat input means heat derived from combustion of fuel in a steam generating unit and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust gases from other sources (such as stationary gas turbines, internal combustion engines, and kilns).

Heat transfer medium means any material that is used to transfer heat from one point to another point.

Maximum design heat input capacity means the ability of a steam generating unit to combust a stated maximum amount of fuel (or combination of fuels) on a steady state basis as determined by the physical design and characteristics of the steam generating unit.

Natural gas means (1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane, or (2) liquefied petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835-86,

87, 91, or 97, "Standard Specification for Liquefied Petroleum Gases" (incorporated by reference -- see § 60.17).

Noncontinental area means the State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or the Northern Mariana Islands.

Oil means crude oil or petroleum, or a liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.

Potential sulfur dioxide emission rate means the theoretical SO_2 emissions (nanograms per joule [ng/J], or pounds per million Btu [lb/million Btu] heat input) that would result from combusting fuel in an uncleaned state and without using emission control systems.

Process heater means a device that is primarily used to heat a material to initiate or promote a chemical reaction in which the material participates as a reactant or catalyst.

Residual oil means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel oil numbers 4, 5, and 6, as defined by the American Society for Testing and Materials in ASTM D396-78, 89, 90, 92, 96, or 98, "Standard Specification for Fuel Oils" (incorporated by reference -- see § 60.17).

Steam generating unit means a device that combusts any fuel and produces steam or heats water or any other heat transfer medium. This term includes any duct burner that combusts fuel and is part of a combined cycle system. This term does not include process heaters as defined in this subpart.

Steam generating unit operating day means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the steam generating unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period.

Wet flue gas desulfurization technology means an SO_2 control system that is located between the steam generating unit and the exhaust vent or stack, and that removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a liquid material. This definition includes devices where the liquid material is subsequently converted to another form. Alkaline reagents used in wet flue gas desulfurization systems include, but are not limited to, lime, limestone, and sodium compounds.

Wet scrubber system means any emission control device that mixes an aqueous stream or slurry with the exhaust gases from a steam

generating unit to control emissions of particulate matter (PM) or SO_2.

Wood means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

[55 FR 37683, Sept. 12, 1990, as amended at 61 FR 20736, Ma 8, 1996; 65 FR 61752, Oct. 17, 2000]

Sec. 60.42c Standard for sulfur dioxide.

(a) Except as provided in paragraphs (b), (c), and (e) of this section, on and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, the owner or operator of an affected facility that combusts only coal shall neither:

(1) cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of 10 percent (0.10) of the potential SO_2 emission rate (90 percent reduction); nor

(2) cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of 520 ng/J (1.2 lb/million Btu) heat input. If coal is combusted with other fuels, the affected facility is subject to the 90 percent SO_2 reduction requirement specified in this paragraph and the emission limit is determined pursuant to paragraph (e)(2) of this section.

(b) Except as provided in paragraphs (c) and (e) of this section, on and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, the owner or operator of an affected facility that:

(1) Combusts coal refuse alone in a fluidized bed combustion steam generating unit shall neither:

(i) Cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of 20 percent (0.20) of the potential SO_2 emission rate (80 percent reduction); nor

(ii) Cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of 520 ng/J (1.2 lb/million Btu) heat input. If coal is fired

with coal refuse, the affected facility is subject to paragraph (a) of this section. If oil or any other fuel (except coal) is fired with coal refuse, the affected facility is subject to the 90 percent SO_2 reduction requirement specified in paragraph (a) of this section and the emission limit determined pursuant to paragraph (e)(2) of this section.

(2) Combusts only coal and that uses an emerging technology for the control of SO_2 emissions shall neither:

(i) Cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of 50 percent (0.50) of the potential SO_2 emission rate (50 percent reduction); nor

(ii) Cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of 260 ng/J (0.60 lb/million Btu) heat input. If coal is combusted with other fuels, the affected facility is subject to the 50 percent SO_2 reduction requirement specified in this paragraph and the emission limit determined pursuant to paragraph (e)(2) of this section.

(c) On and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal, alone or in combination with any other fuel, and is listed in paragraphs (c)(1), (2), (3), or (4) of this section shall cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of the emission limit determined pursuant to paragraph (e)(2) of this section. Percent reduction requirements are not applicable to affected facilities under paragraphs (c)(1), (2), (3), or (4).

(1) Affected facilities that have a heat input capacity of 22 MW (75 million Btu/hr) or less.

(2) Affected facilities that have an annual capacity for coal of 55 percent (0.55) or less and are subject to a Federally enforceable requirement limiting operation of the affected facility to an annual capacity factor for coal of 55 percent (0.55) or less.

(3) Affected facilities located in a noncontinental area.

(4) Affected facilities that combust coal in a duct burner as part of a combined cycle system where 30 percent (0.30) or less of the heat entering the steam generating unit is from combustion of coal in the duct burner and 70 percent (0.70) or more of the heat entering the steam generating unit is from exhaust gases entering the duct burner.

(d) On and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts oil shall cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of 215 ng/J (0.50 lb/million Btu) heat input; or, as an alternative, no owner or operator of an affected facility that combusts oil shall combust oil in the affected facility that contains greater than 0.5 weight percent sulfur. The percent reduction requirements are not applicable to affected facilities under this paragraph.

(e) On and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal, oil, or coal and oil with any other fuel shall cause to be discharged into the atmosphere from that affected facility any gases that contain SO_2 in excess of the following:

(1) The percent of potential SO_2 emission rate required under paragraph (a) or (b)(2) of this section, as applicable, for any affected facility that

(i) Combusts coal in combination with any other fuel,

(ii) Has a heat input capacity greater than 22 MW (75 million Btu/hr), and

(iii) Has an annual capacity factor for coal greater than 55 percent (0.55); and

(2) The emission limit determined according to the following formula for any affected facility that combusts coal, oil, or coal and oil with any other fuel:

$$E_s = (K_aH_a + K_bH_b + K_cH_c)/H_a + H_b + H_c)$$

where:

E_s is the SO_2 emission limit, expressed in ng/J or lb/million Btu heat input,

K_a is 520 ng/J (1.2 lb/million Btu),

K_b is 260 ng/J (0.60 lb/million Btu),

K_c is 215 ng/J (0.50 lb/million Btu),

H_a is the heat input from the combustion of coal, except coal combusted in an affected facility subject to paragraph (b)(2) of this section, in Joules (J) [million Btu]

H_b is the heat input from the combustion of coal in an affected facility subject to paragraph (b)(2) of this section, in J (million Btu)

H_c is the heat input from the combustion of oil, in J (million Btu).

(f) Reduction in the potential SO_2 emission rate through fuel pretreatment is not credited toward the percent reduction requirement under paragraph (b)(2) of this section unless:

(1) Fuel pretreatment results in a 50 percent (0.50) or greater reduction in the potential SO_2 emission rate; and

(2) Emissions from the pretreated fuel (without either combustion or post-combustion SO_2 control) are equal to or less than the emission limits specified under paragraph (b)(2) of this section.

(g) Except as provided in paragraph (h) of this section, compliance with the percent reduction requirements, fuel oil sulfur limits, and emission limits of this section shall be determined on a 30-day rolling average basis.

(h) For affected facilities listed under paragraphs (h)(1), (2), or (3) of this section, compliance with the emission limits or fuel oil sulfur limits under this section may be determined based on a certification from the fuel supplier, as described under § 60.48c(f)(1), (2), or (3), as applicable.

(1) Distillate oil-fired affected facilities with heat input capacities between 2.9 and 29 MW (10 and 100 million Btu/hr).

(2) Residual oil-fired affected facilities with heat input capacities between 2.9 and 8.7 MW (10 and 30 million Btu/hr).

(3) Coal-fired facilities with heat input capacities between 2.9 and 8.7 MW (10 and 30 million Btu/hr).

(i) The SO_2 emission limits, fuel oil sulfur limits, and percent reduction requirements under this section apply at all times, including periods of startup, shutdown, and malfunction.

(j) Only the heat input supplied to the affected facility from the combustion of coal and oil is counted under this section. No credit is provided for the heat input to the affected facility from wood or other fuels or for heat derived from exhaust gases from other sources, such as stationary gas turbines, internal combustion engines, and kilns.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct 17, 2000]

Sec. 60.43c Standard for particulate matter.

(a) On and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal or combusts mixtures of coal with other fuels and has a heat input capacity of 8.7 MW (30 million Btu/hr) or greater, shall cause to be discharged into the atmosphere from that affected facility any gases that contain PM in excess of the following emission limits:

(1) 22 ng/J (0.051 lb/million Btu) heat input if the affected facility combusts only coal, or combusts coal with other fuels and has an annual capacity factor for the other fuels of 10 percent (0.10) or less.

(2) 43 ng/J (0.10 lb/million Btu) heat input if the affected facility combusts coal with other fuels, has an annual capacity factor for the other fuels greater than 10 percent (0.10), and is subject to a federally enforceable requirement limiting operation of the affected facility to an annual capacity factor greater than 10 percent (0.10) for fuels other than coal.

(b) On and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts wood or combusts mixtures of wood with other fuels (except coal) and has a heat input capacity of 8.7 MW (30 million Btu/hr) or greater, shall cause to be discharged into the atmosphere from that affected facility any gases that contain PM in excess of the following emissions limits:

(1) 43 ng/J (0.10 lb/million Btu) heat input if the affected facility has an annual capacity factor for wood greater than 30 percent (0.30); or

(2) 130 ng/J (0.30 lb/million Btu) heat input if the affected facility has an annual capacity factor for wood of 30 percent (0.30) or less and is subject to a federally enforceable requirement limiting operation of the affected facility to an annual capacity factor for wood of 30 percent (0.30) or less.

(c) On and after the date on which the initial performance test is completed or required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal, wood, or oil and has a heat input capacity of 8.7 MW (30 million Btu/hr) or greater shall cause to be discharged into the atmosphere from that affected facility any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

(d) The PM and opacity standards under this section apply at all times, except during periods of startup, shutdown, or malfunction.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct 17, 2000]

Sec. 60.44c Compliance and performance test methods and procedures for sulfur dioxide.

(a) Except as provided in paragraphs (g) and (h) of this section and in § 60.8(b), performance tests required under § 60.8 shall be conducted following the procedures specified in paragraphs (b), (c), (d), (e), and (f) of this section, as applicable. Section 60.8(f) does not apply to this section. The 30-day notice required in § 60.8(d) applies only to the initial performance test unless otherwise specified by the Administrator.

(b) The initial performance test required under § 60.8 shall be conducted over 30 consecutive operating days of the steam generating unit. Compliance with the percent reduction requirements and SO_2 emission limits under § 60.42c shall be determined using a 30-day average. The first operating day included in the initial performance test shall be scheduled within 30 days after achieving the maximum production rate at which the affect facility will be operated, but not later than 180 days after the initial startup of the facility. The steam generating unit load during the 30-day period does not have to be the maximum design heat input capacity, but must be representative of future operating conditions.

(c) After the initial performance test required under paragraph (b) and § 60.8, compliance with the percent reduction requirements and SO_2 emission limits under § 60.42c is based on the average percent reduction and the average SO_2 emission rates for 30 consecutive steam generating unit operating days. A separate performance test is completed at the end of each steam generating unit operating day, and a new 30-day average percent reduction and SO_2 emission rate are calculated to show compliance with the standard.

(d) If only coal, only oil, or a mixture of coal and oil is combusted in an affected facility, the procedures in Method 19 are used to determine the hourly SO_2 emission rate (E_{ho}) and the 30-day average SO_2 emission rate (E_{ao}). The hourly averages used to compute the 30-day averages are obtained from the continuous emission monitoring system (CEMS). Method 19 shall be used to calculate E_{ao} when using daily fuel sampling or Method 6B.

(e) If coal, oil, or coal and oil are combusted with other fuels:

(1) An adjusted E_{ho} (E_{ho}°) is used in Equation 19-19 of Method 19 to compute the adjusted E_{ao} (E_{ao}°). The Ehoo is computed using the following formula:

$$E_{ho}^{\circ} = [E_{ho} - E_w(1 - X_k)]/X_k$$

where:

E_{ho}° is the adjusted E_{ho}, ng/J (lb/million Btu)

E_{ho} is the hourly SO_2 emission rate, ng/J (lb/million Btu)

E_w is the SO_2 concentration in fuels other than coal and oil combusted in the affected facility, as determined by fuel sampling and analysis procedures in Method 9, ng/J (lb/million Btu). The value E_w for each fuel lot is used for each hourly average during the time that the lot is being combusted. The owner or operator does not have to measure E_w if the owner or operator elects to assume E_w = 0.

X_k is the fraction of the total heat input from fuel combustion derived from coal and oil, as determined by applicable procedures in Method 19.

(2) The owner or operator of an affected facility that qualifies under the provisions of § 60.42c(c) or (d) [where percent reduction is not required] does not have to measure the parameters E_w or X_k if the owner or operator of the affected facility elects to measure emission rates of the coal or oil using the fuel sampling and analysis procedures under Method 19.

(f) Affected facilities subject to the percent reduction requirements under § 60.42c(a) or (b) shall determine compliance with the SO_2 emission limits under § 60.42c pursuant to paragraphs (d) or (e) of this section, and shall determine compliance with the percent reduction requirements using the following procedures:

(1) If only coal is combusted, the percent of potential SO_2 emission rate is computed using the following formula:

$$\%P_s = 100(1 - \%R_g/100)(1 - \%R_f/100)$$

where

$\%P_s$ is the percent of potential SO_2 emission rate, in percent

$\%R_g$ is the SO_2 removal efficiency of the control device as determined by Method 19, in percent

$\%R_f$ is the SO_2 removal efficiency of fuel pretreatment as determined by Method 19, in percent

(2) If coal, oil, or coal and oil are combusted with other fuels, the same procedures required in paragraph (f)(1) of this section are used, except as provided for in the following:

(i) To compute the $\%P_s$, an adjusted $\%R_g$ ($\%R_g^\circ$) is computed from E_{ao}° from paragraph (e)(1) of this section and an adjusted average SO_2 inlet rate (E_{ai}°) using the following formula:

$$\%R_g^\circ = 100\ [1.0 - E_{ao}^\circ/E_{ai}^\circ)]$$

where:

$\%R_g^\circ$ is the adjusted %Rg, in percent

E_{ao}° is the adjusted E_{ao}, ng/J (lb/million Btu)

E_{ai}° is the adjusted average SO_2 inlet rate, ng/J (lb/million Btu)

(ii) To compute E_{ai}°, an adjusted hourly SO_2 inlet rate (E_{hi}°) is used. The E_{hi}° is computed using the following formula:

$$E_{hi}^{\circ} = [E_{hi} - E_w (1 - X_k)]/X_k$$

where:

E_{hi}° is the adjusted E_{hi}, ng/J (lb/million Btu)

E_{hi} is the hourly SO_2 inlet rate, ng/J (lb/million Btu)

E_w is the SO_2 concentration in fuels other than coal and oil combusted in the affected facility, as determined by fuel sampling and analysis procedures in Method 19, ng/J (lb/million Btu). The value E_w for each fuel lot is used for each hourly average during the time that the lot is being combusted. The owner or operator does not have to measure E_w if the owner or operator elects to assume E_w = O.

X_k is the fraction of the total heat input from fuel combustion derived from coal and oil, as determined by applicable procedures in Method 19.

(g) For oil-fired affected facilities where the owner or operator seeks to demonstrate compliance with the fuel oil sulfur limits under § 60.42c based on shipment fuel sampling, the initial performance test shall consist of sampling and analyzing the oil in the initial tank of oil to be fired in the steam generating unit to demonstrate that the oil contains 0.5 weight percent sulfur or less. Thereafter, the owner or operator of the affected facility shall sample the oil in the fuel tank after each new shipment of oil is received, as described under § 60.46c(d)(2).

(h) For affected facilities subject to § 60.42c(h)(1), (2), or (3) where the owner or operator seeks to demonstrate compliance with the SO_2 standards based on fuel supplier certification, the performance test shall consist of the certification, the certification from the fuel supplier, as described under § 60.48c(f)(1), (2), or (3), as applicable.

(i) The owner or operator of an affected facility seeking to demonstrate compliance with the SO_2 standards under § 60.42c(c)(2) shall demonstrate the maximum design heat

input capacity of the steam generating unit by operating the steam generating unit at this capacity for 24 hours. This demonstration shall be made during the initial performance test, and a subsequent demonstration may be requested at any other time. If the demonstrated 24-hour average firing rate for the affected facility is less than the maximum design heat input capacity stated by the manufacturer of the affected facility, the demonstrated 24-hour average firing rate shall be used to determine the annual capacity factor for the affected facility; otherwise, the maximum design heat input capacity provided by the manufacturer shall be used.

(j) The owner or operator of an affected facility shall use all valid SO_2 emissions data in calculating $\%P_s$ and E_{ho} under paragraphs (d), (e), or (f) of this section, as applicable, whether or not the minimum emissions data requirements under § 60.46c(f) are achieved. All valid emissions data, including valid data collected during periods of startup, shutdown, and malfunction, shall be used in calculating $\%P_s$ or E_{ho} pursuant to paragraphs (d), (e), or (f) of this section, as applicable.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct. 17, 2000]

Sec. 60.45c Compliance and performance test methods and procedures for particulate matter.

(a) The owner or operator of an affected facility subject to the PM and/or opacity standards under § 60.43c shall conduct an initial performance test as required under § 60.8, and shall conduct subsequent performance tests as requested by the Administrator, to determine compliance with the standards using the following procedures and reference methods.

(1) Method 1 shall be used to select the sampling site and the number of traverse sampling points.

(2) Method 3 shall be used for gas analysis when applying Method 5, Method 5B, or Method 17.

(3) Method 5, Method 5B, or Method 17 shall be used to measure the concentration of PM as follows:

(i) Method 5 may be used only at affected facilities without wet scrubber systems.

(ii) Method 17 may be used at affected facilities with or without wet scrubber systems provided the stack gas temperature does not exceed a temperature of 160 °C (320 °F). The procedures of Sections 8.1 and 11.1 of Method 5B may be

used in Method 17 only if Method 17 is used in conjunction with a wet scrubber system. Method 17 shall not be used in conjunction with a wet scrubber system if the effluent is saturated or laden with water droplets.

(iii) Method 5B may be used in conjunction with a wet scrubber system.

(4) The sampling time for each run shall be at least 120 minutes and the minimum sampling volume shall be 1.7 dry standard cubic meters (dscm) [60 dry standard cubic feet (dscf)] except that smaller sampling times or volumes may be approved by the Administrator when necessitated by process variables or other factors.

(5) For Method 5 or Method 5B, the temperature of the sample gas in the probe and filter holder shall be monitored and maintained at 160±14 °C (320±25 °F).

(6) For determination of PM emissions, an oxygen or carbon dioxide measurement shall be obtained simultaneously with each run of Method 5, Method 5B, or Method 17 by traversing the duct at the same sampling location.

(7) For each run using Method 5, Method 5B, or Method 17, the emission rates expressed in ng/J (lb/million Btu) heat input shall be determined using:

(i) The oxygen or carbon dioxide measurements and PM measurements obtained under this section,

(ii) The dry basis F-factor, and

(iii) The dry basis emission rate calculation procedure contained in Method 19 (appendix A).

(8) Method 9 (6-minute average of 24 observations) shall be used for determining the opacity of stack emissions.

(b) The owner or operator of an affected facility seeking to demonstrate compliance with the PM standards under § 60.43c(b)(2) shall demonstrate the maximum design heat input capacity of the steam generating unit by operating the steam generating unit at this capacity for 24 hours. This demonstration shall be made during the initial performance test, and a subsequent demonstration may be requested at any other time. If the demonstrated 24-hour average firing rate for the affected facility is less than the maximum design heat input capacity stated by the manufacturer of the affected facility, the demonstrated 24-hour average firing rate shall be used to determine the

annual capacity factor for the affected facility; otherwise, the maximum design heat input capacity provided by the manufacturer shall be used.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct 17, 2000]

Sec. 60.46c Emission monitoring for sulfur dioxide

(a) Except as provided in paragraphs (d) and (e) of this section, the owner or operator of an affected facility subject to the SO_2 emission limits under § 60.42c shall install, calibrate, maintain, and operate a CEMS for measuring SO_2 concentrations and either oxygen or carbon dioxide concentrations at the outlet of the SO_2 control device (or the outlet of the steam generating unit if no SO_2 control device is used), and shall record the output of the system. The owner or operator of an affected facility subject to the percent reduction requirements under § 60.42c shall measure SO_2 concentrations and either oxygen or carbon dioxide concentrations at both the inlet and outlet of the SO_2 control device.

(b) The 1-hour average SO_2 emission rates measured by a CEMS shall be expressed in ng/J or lb/million Btu heat input and shall be used to calculate the average emission rates under § 60.42c. Each 1-hour average SO_2 emission rate must be based on at least 30 minutes of operation and include at least 2 data points representing two 15-minute periods. Hourly SO_2 emission rates are not calculated if the affected facility is operated less than 30 minutes in a 1-hour period and are not counted toward determination of a steam generating unit operating day.

(c) The procedures under § 60.13 shall be followed for installation, evaluation, and operation of the CEMS.

(1) All CEMS shall be operated in accordance with the applicable procedures under Performance Specifications 1, 2, and 3 (appendix B).

(2) Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with Procedure 1 (appendix F).

(3) For affected facilities subject to the percent reduction requirements under § 60.42c, the span value of the SO_2 CEMS at the inlet to the SO_2 control device shall be 125 percent of the maximum estimated hourly potential SO_2 emission rate of the fuel combusted, and the span value of the SO_2 CEMS at the outlet from the SO_2 control device shall be 50 percent of the maximum estimated hourly potential SO_2 emission rate of the fuel combusted.

(4) For affected facilities that are not subject to the percent reduction requirements of § 60.42c, the span value of the SO_2 CEMS at the outlet from the SO_2 control device (or outlet of the steam generating unit if no SO_2 control device is used) shall be 125 percent of the maximum estimated hourly potential SO_2 emission rate of the fuel combusted.

(d) As an alternative to operating a CEMS at the inlet to the SO_2 control device (or outlet of the steam generating unit if no SO_2 control device is used) as required under paragraph (a) of this section, an owner or operator may elect to determine the average SO_2 emission rate by sampling the fuel prior to combustion. As an alternative to operating a CEMS at the outlet from the SO_2 control device (or outlet of the steam generating unit if no SO_2 control device is used) as required under paragraph (a) of this section, an owner or operator may elect to determine the average SO_2 emission rate by using Method 6B. Fuel sampling shall be conducted pursuant to either paragraph (d)(1) or (d)(2) of this section. Method 6B shall be conducted pursuant to paragraph (d)(3) of this section.

(1) For affected facilities combusting coal or oil, coal or oil samples shall be collected daily in an as-fired condition at the inlet to the steam generating unit and analyzed for sulfur content and heat content according the Method 19. Method 19 provides procedures for converting these measurements into the format to be used in calculating the average SO_2 input rate.

(2) As an alternative fuel sampling procedure for affected facilities combusting oil, oil samples may be collected from the fuel tank for each steam generating unit immediately after the fule tank is filled and before any oil is combusted. The owner or operator of the affected facility shall analyze the oil sample to determine the sulfur content of the oil. If a partially empty fuel tank is refilled, a new sample and analysis of the fuel in the tank would be required upon filling. Results of the fuel analysis taken after each new shipment of oil is received shall be used as the daily value when calculating the 30-day rolling average until the next shipment is received. If the fuel analysis shows that the sulfur content in the fuel tank is greater than 0.5 weight percent sulfur, the owner or operator shall ensure that the sulfur content of subsequent oil shipments is low enough to cause the 30-day rolling average sulfur content to be 0.5 weight percent sulfur or less.

(3) Method 6B may be used in lieu of CEMS to measure SO_2 at the inlet or outlet of the SO_2 control system. An initial stratification test is required to verify the adequacy of the Method 6B sampling location. The stratification test shall consist of three paired runs of a suitable SO_2 and carbon dioxide measurement train operated at the candidate location and a second similar train operated according to the procedures in § 3.2 and the applicable procedures in section 7 of Performance Specification 2 (appendix B). Method 6B, Method 6A, or a combination of Methods 6 and 3 or Methods 6C and 3A are suitable measurement techniques. If Method 6B is used for the second train, sampling time and timer operation may be adjusted for the stratification test as long as an adequate sample volume is collected; however, both sampling trains are to be operated similarly. For the location to be adequate for Method 6B 24-hour tests, the mean of the absolute difference between the three paired runs must be less than 10 percent (0.10).

(e) The monitoring requirements of paragraphs (a) and (d) of this section shall not apply to affected facilities subject to § 60.42c(h) (1), (2), or (3) where the owner or operator of the affected facility seeks to demonstrate compliance with the SO_2 standards based on fuel supplier certification, as described under § 60.48c(f) (1), (2), or (3), as applicable.

(f) The owner or operator of an affected facility operating a CEMS pursuant to paragraph (a) of this section, or conducting as-fired fuel sampling pursuant to paragraph (d)(1) of this section, shall obtain emission data for at least 75 percent of the operating hours in at least 22 out of 30 successive steam generating unit operating days. If this minimum data requirement is not met with a single monitoring system, the owner or operator of the affected facility shall supplement the emission data with data collected with other monitoring systems as approved by the Administrator.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct 17, 2000]

Sec. 60.47c Emission monitoring for particulate matter.

(a) The owner or operator of an affected facility combusting coal, residual oil, or wood that is subject to the opacity standards under § 60.43c shall install, calibrate, maintain, and operate a COMS for measuring the opacity of the emissions discharged to the atmosphere and record the output of the system.

(b) All COMS for measuring opacity shall be operated in accordance with the applicable procedures under Performance Specification 1 (appendix B). The span value of the opacity COMS shall be between 60 and 80 percent.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct. 17, 2000]

Sec. 60.48c Reporting and recordkeeping requirements.

(a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by § 60.7 of this part. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

(2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under § 60.42c, or § 60.43c.

(3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

(4) Notification if an emerging technology will be used for controlling SO_2 emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of § 60.42c(a) or (b)(1), unless and until this determination is made by the Administrator.

(b) The owner or operator of each affected facility subject to the SO_2 emission limits of § 60.42c, or the PM or opacity limits of § 60.43c, shall submit to the Administrator the performance test data from the initial and any subsequent performance tests and, if applicable, the performance evaluation of the CEMS and/or COMS using the applicable performance specifications in appendix B.

(c) The owner or operator of each coal-fired, residual oil-fired, or wood-fired affected facility subject to the opacity limits under § 60.43c(c) shall submit excess

emission reports for any excess emissions from the affected facility which occur during the reporting period.

(d) The owner or operator of each affected facility subject to the SO_2 emission limits, fuel oil sulfur limits, or percent reduction requirements under § 60.42c shall submit reports to the Administrator.

(e) The owner or operator of each affected facility subject to the SO_2 emission limits, fuel oil sulfur limits, or percent reduction requirements under § 60.43c shall keep records and submit reports as required under paragraph (d) of this section, including the following information, as applicable.

(1) Calendar dates covered in the reporting period.

(2) Each 30-day average SO_2 emission rate (nj/J or lb/million Btu), or 30-day average sulfur content (weight percent), calculated during the reporting period, ending with the last 30-day period; reasons for any noncompliance with the emission standards; and a description of corrective actions taken.

(3) Each 30-day average percent of potential SO_2 emission rate calculated during the reporting period, ending with the last 30-day period; reasons for any noncompliance with the emission standards; and a description of the corrective actions taken.

(4) Identification of any steam generating unit operating days for which SO_2 or diluent (oxygen or carbon dioxide) data have not been obtained by an approved method for at least 75 percent of the operating hours; justification for not obtaining sufficient data; and a description of corrective actions taken.

(5) Identification of any times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and a description of corrective actions taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.

(6) Identification of the F factor used in calculations, method of determination, and type of fuel combusted.

(7) Identification of whether averages have been obtained based on CEMS rather than manual sampling methods.

(8) If a CEMS is used, identification of any times when the pollutant concentration exceeded the full span of the CEMS.

(9) If a CEMS is used, description of any modifications to the CEMS that could affect the ability of the CEMS to comply with Performance Specifications 2 or 3 (appendix B).

(10) If a CEMS is used, results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1.

(11) If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1), (2), or (3) of this section, as applicable. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

(f) Fuel supplier certification shall include the following information:

(1) For distillate oil:

(i) The name of the oil supplier; and

(ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in § 60.41c.

(2) For residual oil:

(i) The name of the oil supplier;

(ii) The location of the oil when the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered to the affected facility, or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility, or other location;

(iii) The sulfur content of the oil from which the shipment came (or of the shipment itself); and

(iv) The method used to determine the sulfur content of the oil.

(3) For coal:

(i) The name of the coal supplier;

(ii) The location of the coal when the sample was collected for analysis to determine the properties of the coal, specifically including whether the coal was sampled as delivered to the affected facility or whether the sample was collected from coal in storage at the mine, at a coal preparation plant, at a coal supplier's facility, or at another location. The certification shall include the name of the coal mine (and coal seam), coal storage facility, or coal preparation plant (where the sample was collected);

(iii) The results of the analysis of the coal from which the shipment came (or of the shipment itself) including the sulfur content, moisture content, ash content, and heat content; and

(iv) The methods used to determine the properties of the coal.

(g) The owner or operator of each affected facility shall record and maintain records of the amounts of each fuel combusted during each day.

(h) The owner or operator of each affected facility subject to a Federally enforceable requirement limiting the annual capacity factor for any fuel or mixture of fuels under § 60.42c or § 60.43c shall calculate the annual capacity factor individually for each fuel combusted. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of the calendar month.

(i) All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

(j) The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

[55 FR 37683, Sept. 12, 1990, as amended at 64 FR 7465, Feb 12, 1999; 65 FR 61753, Oct. 17, 2000]

TITLE 40--PROTECTION OF ENVIRONMENT

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

PART 60--STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES—
Subpart Kb -- Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

Source: 52 FR 11429, Apr. 8, 1987, unless otherwise noted.

§60.110b - Applicability and designation of affected facility.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 40 cubic meters (m^3) that is used to store volatile organic liquids (VOLs) for which construction, reconstruction, or modification is commenced after July 23, 1984.

(b) Except as specified in paragraphs (a) and (b) of §60.116b, storage vessels with design capacity less than 75 m^3 are exempt from the General Provisions (part 60, subpart A) and from the provisions of this subpart.

(c) Except as specified in paragraphs (a) and (b) of §60.116b, vessels either with a capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure less than 3.5 kPa or with a capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa are exempt from the General Provisions (part 60, subpart A) and from the provisions of this subpart.

(d) This subpart does not apply to the following:

(1) Vessels at coke oven by-product plants.

(2) Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere.

(3) Vessels permanently attached to mobile vehicles such as trucks, railcars, barges, or ships.

(4) Vessels with a design capacity less than or equal to 1,589.874 m^3 used for petroleum or condensate stored, processed, or treated prior to custody transfer.

(5) Vessels located at bulk gasoline plants.

(6) Storage vessels located at gasoline service stations.

(7) Vessels used to store beverage alcohol.

(e) *Alternative means of compliance*

(1) Option to comply with part 65. Owners or operators may choose to comply with 40 CFR part 65, subpart C, to satisfy the requirements of §§60.112b through 60.117b for storage vessels that are subject to this subpart that meet the specifications in paragraphs (e)(1)(i) and (ii) of this section. When choosing to comply with 40 CFR part 65, subpart C, the monitoring requirements of §60.116b(c), (e), (f)(1), and (g) still apply. Other provisions applying to owners or operators who choose to comply with 40 CFR part 65 are provided in 40 CFR 65.1.

(i) A storage vessel with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa; or

(ii) A storage vessel with a design capacity greater than 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa.

(2) *Part 60, subpart A.* Owners or operators who choose to comply with 40 CFR part 65, subpart C, must also comply with §§60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for those storage vessels. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (e)(2) do not apply to owners or operators of storage vessels complying with 40 CFR part 65, subpart C, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with 40 CFR Part 65, subpart C, must comply with 40 CFR part 65, subpart A.

(3) *Internal floating roof report.* If an owner or operator installs an internal floating roof and, at initial startup, chooses to comply with 40 CFR part 65, subpart C, a report shall be furnished to the Administrator stating that the control equipment meets the specifications of 40 CFR 65.43. This report shall be an attachment to the notification required by 40 CFR 65.5(b).

(4) *External floating roof report.* If an owner or operator installs an external floating roof and, at initial startup, chooses to comply with 40 CFR part 65, subpart C, a report shall be furnished to the

Administrator stating that the control equipment meets the specifications of 40 CFR 65.44. This report shall be an attachment to the notification required by 40 CFR 65.5(b).

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989; 65 FR 78275, Dec. 14, 2000]

§60.111b - Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this subpart as follows:

(a) *Bulk gasoline plant* means any gasoline distribution facility that has a gasoline throughput less than or equal to 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal requirement or Federal, State or local law, and discoverable by the Administrator and any other person.

(b) *Condensate* means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

(c) *Custody transfer* means the transfer of produced petroleum and/or condensate, after processing and/or treatment in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.

(d) *Fill* means the introduction of VOL into a storage vessel but not necessarily to complete capacity.

(e) *Gasoline service station* means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage tanks.

(f) *Maximum true vapor pressure* means the equilibrium partial pressure exerted by the stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOLs stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOLs stored at the ambient temperature, as determined:

(1) In accordance with methods described in American Petroleum institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks, (incorporated by reference -- see §60.17); or

(2) As obtained from standard reference texts; or

(3) As determined by ASTM D2879-83, 96, or 97 (incorporated by reference -- see §60.17);

(4) Any other method approved by the Administrator.

(g) *Reid vapor pressure* means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquefied petroleum gases, as determined by ASTM D323-82 or 94 (incorporated by reference -- see §60.17).

(h) *Petroleum* means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(i) *Petroleum liquids* means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

(j) *Storage vessel* means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

(1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors; or

(2) Subsurface caverns or porous rock reservoirs.

(k) *Volatile organic liquid (VOL)* means any organic liquid which can emit volatile organic compounds into the atmosphere except those VOLs that emit only those compounds which the Administrator has determined do not contribute appreciably to the formation of ozone. These compounds are identified in EPA statements on ozone abatement policy for SIP revisions (42 FR 35314, 44 FR 32042, 45 FR 32424, and 45 FR 48941).

(l) *Waste* means any liquid resulting from industrial, commercial, mining or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989; 65 FR 61756, Oct. 17, 2000]

§60.112b - Standard for volatile organic compounds (VOC).

(a) The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal

to 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

(1) A fixed roof in combination with an internal floating roof meeting the following specifications:

(i) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(ii) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

(A) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

(B) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(iii) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

(iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

(v) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(vi) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

(vii) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

(viii) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

(ix) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(2) An external floating roof. An external floating roof means a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof. Each external floating roof must meet the following specifications:

(i) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above

the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

(A) The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in §60.113b(b)(4), the seal shall completely cover the annular space between the edge of the floating roof and tank wall.

(B) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in §60.113b(b)(4).

(ii) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof legs supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(iii) The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

(3) A closed vent system and control device meeting the following specifications:

(i) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in part 60, subpart VV, §60.485(b).

(ii) The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements (§60.18) of the General Provisions.

(4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3) of this section as provided in §60.114b of this subpart.

(b) The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m^3 which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:

(1) A closed vent system and control device as specified in §60.112b(a)(3).

(2) A system equivalent to that described in paragraph (b)(1) as provided in §60.114b of this subpart.

(c) *Site-specific standard for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia.* This paragraph applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia ("site").

(1) For any storage vessel that otherwise would be subject to the control technology requirements of paragraphs (a) or (b) of this section, the site shall have the option of either complying directly with the requirements of this subpart, or reducing the site-wide total criteria pollutant emissions cap (total emissions cap) in accordance with the procedures set forth in a permit issued pursuant to 40 CFR 52.2454. If the site chooses the option of reducing the total emissions cap in accordance with the procedures set forth in such permit, the requirements of such permit shall apply in lieu of the otherwise applicable requirements of this subpart for such storage vessel.

(2) For any storage vessel at the site not subject to the requirements of 40 CFR 60.112b (a) or (b), the

requirements of 40 CFR 60.116b (b) and (c) and the General Provisions (subpart A of this part) shall not apply.

[52 FR 11429, Apr. 8, 1987, as amended at 62 FR 52641, Oct. 8, 1997]

§60.113b - Testing and procedures.

The owner or operator of each storage vessel as specified in §60.112b(a) shall meet the requirements of paragraph (a), (b), or (c) of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of §60.112b.

(a) After installing the control equipment required to meet §60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

(2) For Vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in §60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with a double-seal system as specified in §60.112b(a)(1)(ii)(B):

(i) Visually inspect the vessel as specified in paragraph (a)(4) of this section at least every 5 years; or

(ii) Visually inspect the vessel as specified in paragraph (a)(2) of this section.

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of this section.

(5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(b) After installing the control equipment required to meet §60.112b(a)(2) (external floating roof), the owner or operator shall:

(1) Determine the gap areas and maximum gap widths, between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel according to the following frequency.

(i) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

(ii) Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.

(iii) If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

(ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location.

(iii) The total surface area of each gap described in paragraph (b)(2)(ii) of this section shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in paragraph (b)(4) of this section.

(4) Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in (b)(4) (i) and (ii) of this section:

(i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 Cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm.

(A) One end of the mechanical shoe is to extend into the stored liquid, and the other end is to extend a minimum vertical distance of 61 cm above the stored liquid surface.

(B) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(ii) The secondary seal is to meet the following requirements:

(A) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph (b)(2)(iii) of this section.

(B) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 1.27 cm.

(C) There are to be no holes, tears, or other openings in the seal or seal fabric.

(iii) If a failure that is detected during inspections required in paragraph (b)(1) of §60.113b(b) cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in §60.115b(b)(4). Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the Administrator 30 days in advance of any gap measurements required by paragraph (b)(1) of this section to afford the Administrator the opportunity to have an observer present.

(6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

(i) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with VOL.

(ii) For all the inspections required by paragraph (b)(6) of this section, the owner or operator shall notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Administrator the opportunity to inspect the storage vessel prior to refilling. If the inspection required by paragraph (b)(6) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(c) The owner or operator of each source that is equipped with a closed vent system and control device as required in §60.112b (a)(3) or (b)(2) (other than a flare) is exempt from §60.8 of the General Provisions and shall meet the following requirements.

(1) Submit for approval by the Administrator as an attachment to the notification required by §60.7(a)(1) or, if the facility is exempt from §60.7(a)(1), as an attachment to the notification

required by §60.7(a)(2), an operating plan containing the information listed below.

(i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 °C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.

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

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

(d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in §60.112b (a)(3) or (b)(2) shall meet the requirements as specified in the general control device requirements, §60.18 (e) and (f).

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989]

§60.114b - Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in §60.112b, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(b) Any notice under paragraph (a) of this section will be published only after notice and an opportunity for a hearing.

(c) Any person seeking permission under this section shall submit to the Administrator a written application including:

(1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.

(2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in §60.112b.

§60.115b - Reporting and recordkeeping requirements.

The owner or operator of each storage vessel as specified in §60.112b(a) shall keep records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of §60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment.

(a) After installing control equipment in accordance with §60.112b(a)(1) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of §60.112b(a)(1) and §60.113b(a)(1). This report shall

be an attachment to the notification required by §60.7(a)(3).

(2) Keep a record of each inspection performed as required by §60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

(3) If any of the conditions described in §60.113b(a)(2) are detected during the annual visual inspection required by §60.113b(a)(2), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(4) After each inspection required by §60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in §60.113b(a)(3)(ii), a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of §61.112b(a)(1) or §60.113b(a)(3) and list each repair made.

(b) After installing control equipment in accordance with §61.112b(a)(2) (external floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of §60.112b(a)(2) and §60.113b(b)(2), (b)(3), and (b)(4). This report shall be an attachment to the notification required by §60.7(a)(3).

(2) Within 60 days of performing the seal gap measurements required by §60.113b(b)(1), furnish the Administrator with a report that contains:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in §60.113b (b)(2) and (b)(3).

(3) Keep a record of each gap measurement performed as required by §60.113b(b). Each record shall identify the storage vessel in which the measurement was performed and shall contain:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in §60.113b (b)(2) and (b)(3).

(4) After each seal gap measurement that detects gaps exceeding the limitations specified by §60.113b(b)(4), submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information specified in paragraph (b)(2) of this section and the date the vessel was emptied or the repairs made and date of repair.

(c) After installing control equipment in accordance with §60.112b (a)(3) or (b)(1) (closed vent system and control device other than a flare), the owner or operator shall keep the following records.

(1) A copy of the operating plan.

(2) A record of the measured values of the parameters monitored in accordance with §60.113b(c)(2).

(d) After installing a closed vent system and flare to comply with §60.112b, the owner or operator shall meet the following requirements.

(1) A report containing the measurements required by §60.18(f) (1), (2), (3), (4), (5), and (6) shall be furnished to the Administrator as required by §60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.

(2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.

(3) Semiannual reports of all periods recorded under §60.115b(d)(2) in which the pilot flame was absent shall be furnished to the Administrator.

§60.116b - Monitoring of operations.

(a) The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (b) of this section, for at least 2 years.

The record required by paragraph (b) of this section will be kept for the life of the source.

(b) The owner or operator of each storage vessel as specified in §60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage vessel with a design capacity less than 75 m^3 is subject to no provision of this subpart other than those required by this paragraph.

(c) Except as provided in paragraphs (f) and (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

(d) Except as provided in paragraph (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.

(e) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.

(1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

(2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:

(i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used

to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference -- see §60.17), unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa.

(3) For other liquids, the vapor pressure:

(i) May be obtained from standard reference texts, or

(ii) Determined by ASTM D2879-83, 96, or 97 (incorporated by reference -- see §60.17); or

(iii) Measured by an appropriate method approved by the Administrator; or

(iv) Calculated by an appropriate method approved by the Administrator.

(f) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.

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

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

(i) ASTM D2879-83, 96, or 97 (incorporated by reference -- see §60.17); or

(ii) ASTM D323-82 or 94 (incorporated by reference -- see §60.17); or

(iii) As measured by an appropriate method as approved by the Administrator.

(g) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specification of §60.112b or with emissions reductions equipment as specified in 40 CFR 65.42(b)(4), (b)(5), (b)(6), or (c) is exempt from the requirements of paragraphs (c) and (d) of this section.

[52 FR 11429, Apr. 8, 1987, as amended at 65 FR 61756, Oct. 17, 2000; 65 FR 78276, Dec. 14, 2000]

§60.117b - Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities which will not be delegated to States: §§60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).

[52 FR 11429, Apr. 8, 1987, as amended at 52 FR 22780, June 16, 1987]

40 CFR 60 Subpart DD--Standards of Performance for Grain Elevators

Source: 43 FR 34347, Aug. 3, 1978, unless otherwise noted.

Sec. 60.300 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to each affected facility at any grain terminal elevator or any grain storage elevator, except as provided under Sec. 60.304(b). The affected facilities are each truck unloading station, truck loading station, barge and ship unloading station, barge and ship loading station, railcar loading station, railcar unloading station, grain dryer, and all grain handling operations.

(b) Any facility under paragraph (a) of this section which commences construction, modification, or reconstruction after August 3, 1978, is subject to the requirements of this part.

[43 FR 34347, Aug. 3, 1978, as amended at 52 FR 42434, Nov. 5, 1988]

Sec. 60.301 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) Grain means corn, wheat, sorghum, rice, rye, oats, barley, and soybeans.

(b) Grain elevator means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded.

(c) Grain terminal elevator means any grain elevator which has a permanent storage capacity of more than 88,100 m^3 (ca. 2.5 million U.S. bushels), except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots.

(d) Permanent storage capacity means grain storage capacity which is inside a building, bin, or silo.

(e) Railcar means railroad hopper car or boxcar.

(f) Grain storage elevator means any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant which has a permanent grain storage capacity of 35,200 m^3 (ca. 1 million bushels).

(g) Process emission means the particulate matter which is collected by a capture system.

(h) Fugitive emission means the particulate matter which is not collected by a capture system and is released directly into the atmosphere from an affected facility at a grain elevator.

(i) Capture system means the equipment such as sheds, hoods, ducts, fans, dampers, etc. used to collect particulate matter generated by an affected facility at a grain elevator.

(j) Grain unloading station means that portion of a grain elevator where the grain is transferred from a truck, railcar, barge, or ship to a receiving hopper.

(k) Grain loading station means that portion of a grain elevator where the grain is transferred from the elevator to a truck, railcar, barge, or ship.

(l) Grain handling operations include bucket elevators or legs (excluding legs used to unload barges or ships), scale hoppers and surge bins (garners), turn heads, scalpers,

cleaners, trippers, and the headhouse and other such structures.

(m) Column dryer means any equipment used to reduce the moisture content of grain in which the grain flows from the top to the bottom in one or more continuous packed columns between two perforated metal sheets.

(n) Rack dryer means any equipment used to reduce the moisture content of grain in which the grain flows from the top to the bottom in a cascading flow around rows of baffles (racks).

(o) Unloading leg means a device which includes a bucket-type elevator which is used to remove grain from a barge or ship.

[43 FR 34347, Aug. 3, 1978, as amended at 65 FR 61759, Oct. 17, 2000]

Sec. 60.302 Standard for particulate matter.

(a) On and after the 60th day of achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial startup, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere any gases which exhibit greater than 0 percent opacity from any:

(1) Column dryer with column plate perforation exceeding 2.4 mm diameter (ca. 0.094 inch).

(2) Rack dryer in which exhaust gases pass through a screen filter coarser than 50 mesh.

(b) On and after the date on which the performance test required to be conducted by Sec. 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility except a grain dryer any process emission which:

(1) Contains particulate matter in excess of 0.023 g/dscm (ca. 0.01 gr/dscf).

(2) Exhibits greater than 0 percent opacity.

(c) On and after the 60th day of achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial startup, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere any fugitive emission from:

(1) Any individual truck unloading station, railcar unloading station, or railcar loading station, which exhibits greater than 5 percent opacity.

(2) Any grain handling operation which exhibits greater than 0 percent opacity.

(3) Any truck loading station which exhibits greater than 10 percent opacity.

(4) Any barge or ship loading station which exhibits greater than 20 percent opacity.

(d) The owner or operator of any barge or ship unloading station shall operate as follows:

(1) The unloading leg shall be enclosed from the top (including the receiving hopper) to the center line of the bottom pulley and ventilation to a control device shall be maintained on both sides of the leg and the grain receiving hopper.

(2) The total rate of air ventilated shall be at least 32.1 actual cubic meters per cubic meter of grain handling capacity (ca. 40 ft^3/bu).

(3) Rather than meet the requirements of paragraphs (d)(1) and (2) of this section the owner or operator may use other methods of emission control if it is demonstrated to the Administrator's satisfaction that they would reduce emissions of particulate matter to the same level or less.

Sec. 60.303 Test methods and procedures.

(a) In conducting the performance tests required in Sec. 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in Sec. 60.8(b). Acceptable alternative methods and procedures are given in paragraph (c) of this section.

(b) The owner or operator shall determine compliance with the particulate matter standards in Sec. 60.302 as follows:

(1) Method 5 shall be used to determine the particulate matter concentration and the volumetric flow rate of the effluent gas. The sampling time and sample volume for each run shall be at least 60 minutes and 1.70 dscm (60 dscf). The probe and filter holder shall be operated without heaters.

(2) Method 2 shall be used to determine the ventilation volumetric flow rate.

(3) Method 9 and the procedures in Sec. 60.11 shall be used to determine opacity.

(c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) For Method 5, Method 17 may be used.

[54 FR 6674, Feb. 14, 1989]

Sec. 60.304 Modifications.

(a) The factor 6.5 shall be used in place of "annual asset guidelines repair allowance percentage," to determine whether a capital expenditure as defined by Sec. 60.2 has been made to an existing facility.

(b) The following physical changes or changes in the method of operation shall not by themselves be considered a modification of any existing facility:

(1) The addition of gravity loadout spouts to existing grain storage or grain transfer bins.

(2) The installation of automatic grain weighing scales.

(3) Replacement of motor and drive units driving existing grain handling equipment.

(4) The installation of permanent storage capacity with no increase in hourly grain handling capacity.

10.3 Attachment 3 - Applicable State of Illinois Rules and Regulations, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS

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AUTHORITY: Implementing Section 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203: Visual and Particulate Emission Standards and Limitations, R71 23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February 3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p. 184, effective September 28, 1979; amended in R78-11, 35 PCB 505, at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590,

effective October 19, 1981; codified at 7 Ill. Reg. 13591; amended in R82-1 (Docket A) at 10 Ill. Reg. 12637, effective July 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 11 Ill. Reg. 691, effective December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410, effective December 30, 1986; amended in R82-1 (Docket B) at 12 Ill. Reg. 12492, effective July 13, 1988; amended in R91-6 at 15 Ill. Reg. 15708, effective October 4, 1991; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R91-22 at 16 Ill. Reg. 7880, effective May 11, 1992; amended in R91-35 at 16 Ill. Reg. 8204, effective May 15, 1992; amended in R93-30 at 18 Ill. Reg. 11587, effective July 11, 1994; amended in R96-5 at 20 Ill. Reg.7605, effective May 22, 1996).

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART A: GENERAL

Section 212.100 Scope and Organization

a) This Part contains standards and limitations for visible and particulate matter emissions from stationary emission units.

b) Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.

c) Notwithstanding the provisions of this Part, the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.

d) This Part includes Subparts which are arranged as follows:

1) Subpart A: General Provisions;

2) Subpart B: Visible Emissions;

3) Subparts C-J: Incinerators and Fuel Combustion Emission Units;

4) Subparts K-M: Fugitive and Process Emission Units;

5) Subparts N-T: Site specific and industry specific rules; and

6) Subpart U: Additional control measures.

e) Rules have been grouped for the convenience of the public; the scope of each is determined by its language and history.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.107 Measurement Method for Visible Emissions

For both fugitive and nonfugitive particulate matter emissions, a determination as to the presence or absence of visible emissions from emission units shall be conducted in accordance with Method 22, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Subpart, except that the length of the observing period shall be at the discretion of the observer, but not less than one minute. This Subpart shall not apply to Section 212.301 of this Part.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.108 Measurement Methods for PM-10 Emissions and Condensible PM-10 Emissions

a) Emissions of PM-10 shall be measured by any of the following methods at the option of the owner or operator of an emission unit.

   1) Method 201, 40 CFR part 51, Appendix M, incorporated by reference in Section 212.113 of this Subpart.

   2) Method 201A, 40 CFR part 51, Appendix M, incorporated by reference in Section 212.113 of this Subpart.

   3) Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Subpart, provided that all particulate matter measured by Method 5 shall be considered to be PM-10.

b) Emissions of condensible PM-10 shall be measured by Method 202, 40 CFR part 51, Appendix M, incorporated by reference in Section 212.113 of this Subpart.

c) The volumetric flow rate and gas velocity for stack test methods shall be determined in accordance with Methods 1, 1A, 2, 2A, 2C, 2D, 3, or 4, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Subpart.

d) Upon a written notification by the Illinois Environmental Protection Agency (Agency), the owner or operator of a PM-10 emission unit subject to this Section shall conduct the applicable testing for PM-10 emissions, condensible PM-10 emissions, opacity, or visible emissions at such person's own expense, to demonstrate compliance. Such test results shall be submitted to the Agency within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Agency.

e) A person planning to conduct testing for PM-10 or condensible PM-10 emissions to demonstrate compliance shall give written notice to the Agency of that intent. Such notification shall be given at least thirty (30) days prior to initiation of the test unless a shorter pre-notification is agreed to by the Agency. Such notification shall state the specific test methods from subsection (a) of this Section that will be used.

f) The owner or operator of an emission unit subject to this Section shall retain records of all tests which are performed. These records shall be retained for at least three (3) years after the date a test is performed.

g) This Section shall not affect the authority of the United States Environmental Protection Agency (USEPA) under Section 114 of the Clean Air Act (CAA) (42 U.S.C. § 7414 (1990)).

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.109 Measurement Methods for Opacity

Except as otherwise provided in this Part, and except for the methods of data reduction when applied to Sections 212.122 and 212.123 of this Part, measurements of opacity shall be conducted in accordance with Method 9, 40 CFR part 60, Appendix A, and the procedures in 40 CFR 60.675(c) and (d), if applicable, incorporated by reference in Section 212.113 of this Subpart, except that for roadways and parking areas the number of readings required for each vehicle pass will be three taken at 5-second intervals. The first reading shall be at the point of maximum opacity and second and third readings shall be made at the same point, the observer standing at right angles to the plume at least 15 feet away from the plume and observing 4 feet above the surface of the roadway or parking area. After four vehicles have passed, the 12 readings will be averaged.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS
SUBPART A: GENERAL

Section 212.110 Measurement Methods For Particulate Matter

a) Measurement of particulate matter emissions from stationary emission units subject to this Part shall be conducted in accordance with 40 CFR part 60, Appendix A, Methods 5, 5A, 5D, or 5E, as incorporated by reference in Section 212.113 of this Subpart.

b) The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR part 60, Appendix A,

Methods 1, 1A, 2, 2A, 2C, 2D, 3, and 4, incorporated by reference in Section 212.113 of this Subpart.

c) Upon a written notification by the Agency, the owner or operator of a particulate matter emission unit subject to this Part shall conduct the applicable testing for particulate matter emissions, opacity, or visible emissions at such person's own expense, to demonstrate compliance. Such test results shall be submitted to the Agency within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Agency.

d) A person planning to conduct testing for particulate matter emissions to demonstrate compliance shall give written notice to the Agency of that intent. Such notification shall be given at least thirty (30) days prior to the initiation of the test unless a shorter period is agreed to by the Agency. Such notification shall state the specific test methods from this Section that will be used.

e) The owner or operator of an emission unit subject to this Part shall retain records of all tests which are performed. These records shall be retained for at least three (3) years after the date a test is performed.

f) This Section shall not affect the authority of the USEPA under Section 114 of the CAA.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.111 Abbreviations and Units

a. The following abbreviations are used in this Part:

Btu	British thermal units (60 1/4°F)
dscf	dry standard cubic foot
ft	foot
ft^2	square feet
fpm	feet per minute
gal	gallon
gr	grains
gr/scf	grains per standard cubic foot
gr/dscf	grains per dry standard cubic foot
hr	hour
J	Joule
kg	kilogram
kg/MW-hr	kilograms per megawatt-hour
km	kilometer
L	liter
lbs	pounds
lbs/hr	pounds per hour
lbs/mmBtu	pounds per million Btu

m	meter
m^2	square meters
mph	miles per hour
mg	milligram
mg/scm	milligrams per standard cubic meter
mg/dscm	milligrams per dry standard cubic meter
mg/L	milligrams per liter
Mg	megagram, metric ton or tonne
mi	mile
mmBtu	million British thermal units
mmBtu/hr	million British thermal units per hour
MW	megawatt; one million watts
MW-hr	megawatt-hour
ng	nanogram; one billionth of a gram
ng/J	nanograms per Joule
scf	standard cubic foot
scfm	standard cubic feet per minute
scm	standard cubic meter
T	short ton (2000 lbs)
yd^2	square yards

b. The following conversion factors have been used in this Part:

English	Metric
2.205 lb	1 kg
1 T	0.907 Mg
1 lb/T	0.500 kg/Mg
mmBtu/hr	0.293 MW
1 lb/mmBtu	1.548 kg/MW-hr or 430 ng/J
1 mi	1.61 km
1 gr	64.81 mg
1 gr/scf	2289 mg/scm
1 ft^2	0.0929 m^2
1 ft	0.3048 m
1 gal	3.785 L

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.112 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part.

(Source: Added and codified at 7 Ill. Reg. 13591)

Section 212.113 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

a) 40 CFR part 60, Appendix A (1991):

1) Method 1: Sample and Velocity Traverses for Stationary Sources;

2) Method 1A: Sample and Velocity Traverses for Stationary Source with Small Stacks or Ducts;

3) Method 2: Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S pilot tube);

4) Method 2A: Direct Measurement of Gas Volume Through Pipes and Small Ducts;

5) Method 2C: Determination of Stack Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pilot Tube);

6) Method 2D: Measurement of Gas Volumetric Flow Rates in Small Pipes and Ducts;

7) Method 3: Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and Dry Molecular Weight;

8) Method 4: Determination of Moisture Content in Stack Gases;

9) Method 5: Determination of Particulate Emissions From Stationary Sources;

10) Method 5A: Determination of Particulate Emissions From the Asphalt Processing and Asphalt Roofing Industry;

11) Method 5D: Determination of Particulate Matter Emissions From Positive Pressure Fabric Filters;

12) Method 5E: Determination of Particulate Emissions From the Wool Fiberglass Insulation Manufacturing Industry;

13) Method 9: Visual Determination of the Opacity of Emissions from Stationary Sources;

14) Method 22: Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares.

b) 40 CFR part 51 Appendix M (1994):

1) Method 201: Determination of PM-10 Emissions;

2) Method 201A: Determination of PM-10 Emissions (Constant Sampling Rate Procedure);

3) Method 202: Determination of Condensible Particulate Emissions from Stationary Sources.

c) 40 CFR 60.672(b), (c), (d) and (e) (1991).

d) 40 CFR 60.675(c) and (d) (1991).

e) ASAE Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085.

f) U.S. Sieve Series, ASTM-E11, American Society of Testing Materials, 1916 Race Street, Philadelphia, PA 19103.

g) Standard Methods for the Examination of Water and Wastewater, Section 209C, "Total Filterable Residue Dried at 103 - 105° C," 15th Edition, 1980, American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

h) "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events," U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards Monitoring and Data Analysis Division, Research Triangle Park, N.C. 27711, EPA-450/4-86-007 July 1986.

i) "Guideline on Air Quality Models (Revised)," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, EPA-450/2-78-027R July 1986.

j) 40 CFR 50, Appendix K (1992), "Interpretation of the National Ambient Air Quality Standard for Particulate Matter".

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS
SUBPART B: VISIBLE EMISSIONS

Section 212.121 Opacity Standards (Repealed)

(Source: Repealed at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.122 Visible Emissions Limitations for Certain Emission Units For Which Construction or Modification Commenced On or After April 14, 1972

a) No person shall cause or allow the emission of smoke or other particulate matter into the atmosphere from any fuel combustion emission unit for which construction or

modification commenced on or after April 14, 1972, with actual heat input greater than 73.2 MW (250 mmBtu/hr), having an opacity greater than 20 percent.

b) The emissions of smoke or other particulate matter from any such emission unit may have an opacity greater than 20 percent but not greater than 40 percent for a period or periods aggregating 3 minutes in any 60 minute period, providing that such opaque emission permitted during any 60 minute period shall occur from only one such emission unit located within a 305 m (1000 ft) radius from the center point of any other such emission unit owned or operated by such person and provided further that such opaque emissions permitted from each such fuel combustion emission unit shall be limited to 3 times in any 24 hour period.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.123 Visible Emissions Limitations for All Other Emission Units

a) No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to Section 212.122 of this Subpart.

b) The emission of smoke or other particulate matter from any such emission unit may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only one such emission unit located within a 305 m (1000 ft) radius from the center point of any other such emission unit owned or operated by such person, and provided further that such opaque emissions permitted from each such emission unit shall be limited to 3 times in any 24 hour period.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.124 Exceptions

a) Sections 212.122 and 212.123 of this Subpart shall apply during times of startup, malfunction and breakdown except as provided in the operating permit granted in accordance with 35 Ill. Adm. Code 201.

b) Sections 212.122 and 212.123 of this Subpart shall not apply to emissions of water or water vapor from an emission unit.

c) An emission unit which has obtained an adjusted opacity standard pursuant to Section 212.126 of this Subpart shall be subject to that standard rather than the limitations of Section 212.122 or 212.123 of this Subpart.

d) Compliance with the particulate regulations of this Part shall constitute a defense.

1) For all emission units which are not subject to Chapters 111 or 112 of the CAA and Sections 212.201, 212.202, 212.203 or 212.204 of this Part but which are subject to Sections 212.122 or 212.123 of this Subpart: the opacity limitations of Sections 212.122 and 212.123 of this Subpart shall not apply if it is shown that the emission unit was, at the time of such emission, in compliance with the applicable particulate emissions limitations of Subparts D through T of this Part.

2) For all emission units which are not subject to Chapters 111 or 112 of the CAA but which are subject to Sections 212.201, 212.202, 212.203 or 212.204 of this Part:

A) An exceedance of the limitations of Section 212.122 or 212.123 of this Subpart shall constitute a violation of the applicable particulate limitations of Subparts D through T of this Part. It shall be a defense to a violation of the applicable particulate limitations if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions for the unit and the control devices, and in accordance with Method 5, 40 CFR part 60, incorporated by reference in Section 212.113 of this Part, the owner or operator shows that the emission unit is in compliance with the particulate emission limitations.

B) It shall be a defense to an exceedance of the opacity limit if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions of the emission unit and the control devices, and in accordance with Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, the owner or operator shows that the emission unit is in compliance with the allowable particulate emissions limitation while, simultaneously, having visible

emissions equal to or greater than the opacity exceedance as originally observed.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.125 Determination of Violations

Violations of Sections 212.122 and 212.123 of this Subpart shall be determined:

a) By visual observations conducted in accordance with Section 212.109 of this Part; or

b) By the use of a calibrated smoke evaluation device approved by the Agency as specified in Subpart J of 35 Ill. Adm. Code 201; or

c) By the use of a smoke monitor located in the stack and approved by the Agency as specified in Subpart J or L of 35 Ill. Adm. Code 201.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.126 Adjusted Opacity Standards Procedures

a) Pursuant to Section 28.1 of the Environmental Protection Act (Act) [415 ILCS 5/28.1], and in accordance with 35 Ill. Adm. Code 106, Subpart E, provisions for adjusted standards for visible emissions for emission units subject to Sections 212.201, 212.202, 212.203, or 212.204 of this Part shall be granted by the Board to the extent consistent with federal law based upon a demonstration by such owner or operator that the results of a performance test conducted pursuant to this Section, Section 212.110 of this Part, and Methods 5 and 9 of 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, show that the emission unit meets the applicable particulate emission limitations at the same time that the visible emissions exceed the otherwise applicable standards of Sections 212.121 through 212.125 of this Subpart. Such adjusted opacity limitations:

1) Shall be specified as a condition in operating permits issued pursuant to 35 Ill. Adm. Code 201 and Section 39.5 of the Act;

2) Shall substitute for that limitation otherwise applicable;

3) Shall not allow an opacity greater than 60 percent at any time; and

4) Shall allow opacity for one six-minute averaging period in any 60 minute period to exceed the adjusted opacity standard.

b) For the purpose of establishing an adjusted opacity standard, any owner or operator of an emission unit which meets the requirements of subsection (a) of this Section, may request the Agency to determine the average opacity of the emissions from the emission unit during any performance tests conducted pursuant to Section 212.110 of this Part and Methods 5 and 9 of 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part. The Agency shall refuse to accept the results of emissions tests if not conducted pursuant to this Section.

c) Any request for the determination of the average opacity of emissions shall be made in writing, shall include the time and place of the performance test and test specifications and procedures, and shall be submitted to the Agency at least thirty (30) days before the proposed test date.

d) The Agency will advise the owner or operator of an emission unit which has requested an opacity determination of any deficiencies in the proposed test specifications and procedures as expeditiously as practicable but no later than ten (10) days prior to the proposed test date so as to minimize any disruption of the proposed testing schedule.

e) The owner or operator shall allow Agency personnel to be present during the performance test.

f) The method for determining an adjusted opacity standard is as follows:

1) A minimum of 60 consecutive minutes of opacity readings obtained in accordance with Test Method 9, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, shall be taken during each sampling run. Therefore, for each performance test (which normally consists of three sampling runs), a total of three sets of opacity readings totaling three hours or more shall be obtained. Concurrently, the particulate emissions data from three sampling runs obtained in accordance with Test Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, shall also be obtained.

2) After the results of the performance tests are received from the emission unit, the status of compliance with the applicable particulate emissions limitation shall be determined by the Agency. In

accordance with Test Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, the average of the results of the three sampling runs must be less than the allowable particulate emission rate in order for the emission unit to be considered in compliance. If compliance is demonstrated, then only those test runs with results which are less than the allowable particulate emission rate shall be considered as acceptable test runs for the purpose of establishing an adjusted opacity standard.

3) The opacity readings for each acceptable sampling run shall be divided into sets of 24 consecutive readings. The six (6) minute average opacity for each set shall be determined by dividing the sum of the 24 readings within each set by 24.

4) The second highest six (6) minute average opacity obtained in subsection (f)(3) of this Section shall be selected as the adjusted opacity standard.

g) The owner or operator shall submit a written report of the results of the performance test to the Agency at least thirty (30) days prior to filing a petition for an adjusted standard with the Board.

h) If, upon review of such owner's or operator's written report of the results of the performance tests, the Agency determines that the emission unit is in compliance with all applicable emission limitations for which the performance tests were conducted, but fails to comply with the requirements of Section 212.122 or 212.123 of this Subpart, the Agency shall notify the owner or operator as expeditiously as practicable, but no later than twenty (20) days after receiving the written report of any deficiencies in the results of the performance tests.

i) The owner or operator may petition the Board for an adjusted visible emission standard pursuant to 35 Ill. Adm. Code 106.Subpart E. In addition to the requirements of 35 Ill. Adm. Code 106.Subpart E, the petition shall include the following information:

1) A description of the business or activity of the petitioner, including its location and relevant pollution control equipment;

2) The quantity and type of materials discharged from the emission unit or control equipment for which the adjusted standard is requested;

3) A copy of any correspondence between the petitioner and the Agency regarding the performance tests which form the basis of the adjusted standard request;

4) A copy of the written report submitted to the Agency pursuant to subsection (g) of this Section;

5) A statement that the performance tests were conducted in accordance with this Section and the conditions and procedures accepted by the Agency pursuant to Section 212.110 of this Part;

6) A statement regarding the specific limitation requested; and

7) A statement as to whether the Agency has sent notice of deficiencies in the results of the performance test pursuant to subsection (h) of this Section and a copy of said notice.

j) In order to qualify for an adjusted standard the owner or operator must justify as follows:

1) That the performance tests were conducted in accordance with Test Methods 5 and 9, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, and the conditions and procedures accepted by the Agency pursuant to Section 212.110 of this Part;

2) That the emission unit and associated air pollution control equipment were operated and maintained in a manner so as to minimize the opacity of the emissions during the performance tests; and

3) That the proposed adjusted opacity standard was determined in accordance with subsection (f) of this Section.

k) Nothing in this Section shall prevent any person from initiating or participating in a rulemaking, variance, or permit appeal proceeding before the Board.

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS
SUBPART E: PARTICULATE MATTER EMISSIONS FROM FUEL COMBUSTION EMISSION UNITS

Section 212.201 Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively Located in the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any fuel combustion emission unit for which

construction or modification commenced prior to April 14, 1972, using solid fuel exclusively, located in the Chicago major metropolitan area, to exceed 0.15 kg of particulate matter per MW-hr of actual heat input in any one hour period (0.10 lbs/mmBtu/hr) except as provided in Section 212.203 of this Subpart.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.202 Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively Located Outside the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any fuel combustion emission unit for which construction or modification commenced prior to April 14, 1972, using solid fuel exclusively, which is located outside the Chicago major metropolitan area, to exceed the limitations specified in the table below in any one hour period except as provided in Section 212.203 of this Subpart.

METRIC UNITS

H (Range) MW Megawatts	S Kg/MW
Less than or equal to 2.93	1.55
Greater than 2.93 but smaller than 73.2	$3.33\ H^{-0.715}$
Greater than or equal to 73.2	0.155

ENGLISH UNITS

H (Range) mmBtu/hr	S lbs/mmBtu
Less than or equal to 10	1.0
Greater than 10 but smaller than 250	$5.18H^{-0.715}$
Greater than or equal to 250	0.1

Where:

S = Allowable emission standard in lbs/mmBtu/hr or kg/MW of actual heat input, and

H = Actual heat input in mmBtu/hr or MW-hr

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.203 Controlled Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively

Notwithstanding Sections 212.201 and 212.202 of this Subpart, any fuel combustion emission unit for which construction or modification commenced prior to April 14, 1972, using solid fuel exclusively may, in any one hour period, emit up to, but not exceed 0.31 kg/MW-hr (0.20 lbs/mmBtu), if as of April 14, 1972, any one of the following conditions was met:

a) The emission unit had an hourly emission rate based on original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/mmBtu) of actual heat input, and the emission control of such emission unit is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmBtu) from such original design or acceptance performance test conditions; or

b) The emission unit was in full compliance with the terms and conditions of a variance granted by the Pollution Control Board (Board) sufficient to achieve an hourly emission rate less than 0.31 kg/MW-hr (0.20 lbs/mmBtu), and construction has commenced on equipment or modifications prescribed under that program; and emission control of such emission unit is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmBtu) from original design or equipment performance test conditions, whichever is stricter; or

c) The emission unit had an hourly emission rate based on original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/mmBtu) of actual heat input, and the emission control of such emission unit is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmBtu) from that rate demonstrated by the most recent stack test, submitted to and accepted by the Agency prior to April 1, 1985, provided that:

    1) Owners and operators of emission units subject to this subsection shall have applied for a new operating permit by January 9, 1987; and

    2) The application for a new operating permit shall have included a demonstration that the proposed emission rate, if greater than the emission rate allowed by subsections (a) or (b) of this Section, will not under any foreseeable operating conditions and potential meteorological conditions cause or contribute to a violation of any applicable primary or secondary ambient air quality standard for

particulate matter, or violate any applicable prevention of significant deterioration (PSD) increment, or violate 35 Ill. Adm. Code 201.141.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.204 Emission Units For Which Construction or Modification Commenced On or After April 14, 1972,Using Solid Fuel Exclusively

No person shall cause or allow the emission of particulate matter into the atmosphere from any fuel combustion emission unit for which construction or modification commenced on or after April 14, 1972, using solid fuel exclusively to exceed 0.15 kg of particulate matter per MW-hr of actual heat input (0.1 lbs/mmBtu) in any one hour period unless Section 212.202, 212.203, or 212.205 applies.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.205 Coal-fired Industrial Boilers For Which Construction or Modification Commenced Prior to April 14, 1972, Equipped with Flue Gas Desulfurization Systems

Notwithstanding Sections 212.201 through 212.204 of this Subpart, no person shall cause or allow the emission of particulate matter into the atmosphere from coal-fired industrial boilers equipped with flue gas desulfurization systems for which construction or modification commenced prior to April 14, 1972, to exceed 0.39 kg of particulate matter per MW-hr of actual heat input in any one-hour period (0.25 lbs/mmBtu). Nothing in this rule shall be construed to prevent compliance with applicable regulations promulgated by the USEPA under Section 111 of the CAA as amended. *The provisions of Section 111 of the Clean Air Act relating to standards of performance for new stationary sources ... Are applicable in this state and are enforceable under the act* [415 ILCS 5/9.1(b)].

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.206 Emission Units Using Liquid Fuel Exclusively

No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period to exceed 0.15 kg of particulate matter per MW-hr of actual heat input from any fuel combustion emission unit using liquid fuel exclusively (0.10 lbs/mmBtu).

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.207 Emission Units Using More Than One Type of Fuel

a) No person, while simultaneously burning more than one type of fuel in a fuel combustion emission unit, shall cause or

allow the emission of particulate matter into the atmosphere in any one hour period in excess of the following equation:

E = AS + BL

Where:

E = Allowable emission rate;

A = Solid fuel particulate emission standard which is applicable;

B = Constant determined from the table in subsection (b);

S =Actual heat input from solid fuel;

L =Actual heat input from liquid fuel.

b) The metric and English units to be used in the equation of subsection (a) of this Section are as follows:

Parameter	Metric	English
E	kg/hr	lbs/hr
A	kg/MW-hr	lbs/mmBtu
B	0.155	0.10
S	MW	mmBtu/hr
L	MW	mmBtu/hr

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.208 Aggregation of Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972

Section 212.207 of this Subpart may be applied to the aggregate of all fuel combustion emission units for which construction or modification commenced prior to April 14, 1972, vented to a common stack provided that after January 26, 1972:

a) Ductwork has not been modified so as to interconnect such existing fuel combustion emission units;

b) The actual heat input to any such existing fuel combustion emission units is not increased; and

c) No new fuel combustion emission unit is added to reduce the degree of control of emissions of particulate matter required by this Subpart.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

Section 212.209 Village of Winnetka Generating Station (Repealed)

(Source: Repealed at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.210 Emissions Limitations for Certain Fuel Combustion Emission Units Located in the Vicinity of Granite City

a) No person shall cause or allow emissions of PM-10 into the atmosphere to exceed 12.9 ng/J (0.03 lbs/mmBtu) of heat input from fuels other than natural gas during any one hour period from any industrial fuel combustion emission units, other than in an integrated iron and steel plant, located in the vicinity of Granite City, which area is defined in Section 212.324(a)(1)(C) of this Subpart.

b) Emission units shall comply with the emissions limitations of this Section by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 20 Ill. Reg.7605, effective May 22, 1996)

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART L: PARTICULATE MATTER EMISSIONS FROM PROCESS EMISSION UNITS

Section 212.321 Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972

a) No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of 35 IAC 212.321 [35 IAC 212.321(a)].

b) Interpolated and extrapolated values of the data in subsection (c) of 35 IAC 212.321 shall be determined by using the equation [35 IAC 212.321(b)]:

$$E = A(P)^B$$

Where:

P = Process weight rate; and
E = Allowable emission rate; and,

i) Up to process weight rates of 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	1.214	2.54
B	0.534	0.534

ii) For process weight rate greater than or equal to 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	11.42	24.8
B	0.16	0.16

c) Limits for Process Emission Units For Which Construction or Modification Commenced On or After April 19, 1972 [35 IAC 212.321(c)]:

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lb/hr
0.05	0.25	0.05	0.55
0.1	0.29	0.10	0.77
0.2	0.42	0.2	1.10
0.3	0.64	0.30	1.35
0.4	0.74	0.40	1.58
0.5	0.84	0.50	1.75
0.7	1.00	0.75	2.40
0.9	1.15	1.00	2.60
1.8	1.66	2.00	3.70
2.7	2.1	3.00	4.60
3.6	2.4	4.00	5.35
4.5	2.7	5.00	6.00
9.0	3.9	10.00	8.70
13.0	4.8	15.00	10.80
18.0	5.7	20.00	12.50
23.0	6.5	25.00	14.00
27.0	7.1	30.00	15.60
32.0	7.7	35.00	17.00
36.0	8.2	40.00	18.20
41.0	8.8	45.00	19.20
45.0	9.3	50.00	20.50
90.0	13.4	100.00	29.50
140.0	17.0	150.00	37.00
180.0	19.4	200.00	43.00
230.0	22.0	250.00	48.50
270.0	24.0	300.00	53.00
320.0	26.0	350.00	58.00
360.0	28.0	400.00	62.00
408.0	30.1	450.00	66.00
454.0	30.4	500.00	67.00

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART L: PARTICULATE MATTER EMISSIONS FROM PROCESS EMISSION UNITS

Section 212.322 Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972

10.4.1 Process Emission Units for Which Construction or Modification Commenced Prior to After April 14, 1972

a. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any process emission unit for which construction or modification commenced prior to April 14, 1972, which, either alone or in combination with the emission of particulate matter from all other similar process emission at a source or premises, exceeds the allowable emission rates specified in subsection (c) of 35 IAC 212.322 [35 IAC 212.322(a)].

b. Interpolated and extrapolated values of the data in subsection (c) of 35 IAC 212.321 shall be determined by using the equation [35 IAC 212.322(b)]:

$$E = C + A(P)^B$$

Where:

P = Process weight rate; and
E = Allowable emission rate; and,

i. Up to process weight rates up to 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	1.985	4.10
B	0.67	0.67
C	0	0

ii. For process weight rate in excess of 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	25.21	55.0
B	0.11	0.11
C	-18.4	-40.0

c. Limits for Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 [35 IAC 212.322(c)]:

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lb/hr
0.05	0.27	0.05	0.55
0.1	0.42	0.10	0.87
0.2	0.68	0.2	1.40
0.3	0.89	0.30	1.83
0.4	1.07	0.40	2.22
0.5	1.25	0.50	2.58
0.7	1.56	0.75	3.38
0.9	1.85	1.00	4.10
1.8	2.9	2.00	6.52
2.7	3.9	3.00	8.56
3.6	4.7	4.00	10.40
4.5	5.4	5.00	12.00
9.0	8.7	10.00	19.20
13.0	11.1	15.00	25.20
18.0	13.8	20.00	30.50
23.0	16.2	25.00	35.40
27.2	18.15	30.00	40.00
32.0	18.8	35.00	41.30
36.0	19.3	40.00	42.50
41.0	19.8	45.00	43.60
45.0	20.2	50.00	44.60
90.0	23.2	100.00	51.20
140.0	25.3	150.00	55.40
180.0	26.5	200.00	58.60
230.0	27.7	250.00	61.00
270.0	28.5	300.00	63.10
320.0	29.4	350.00	64.90
360.0	30.0	400.00	66.20
400.0	30.6	450.00	67.70
454.0	31.3	500.00	69.00

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS
SUBPART S: AGRICULTURE

Section 212.461 Grain Handling and Drying in General

a) Sections 212.302(a), 212.321, and 212.322 of this Part shall not apply to grain-handling and grain-drying operations, portable grain-handling equipment and one-turn storage space.

b) Housekeeping Practices. All grain-handling and grain-drying operations, regardless of size, must implement and use the following housekeeping practices:

1) Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.

2) Cleaning and Maintenance.

A) Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.

B) Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.

C) The yard and surrounding open area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.

3) Dump Pit.

A) Aspiration equipment shall be maintained and operated.

B) Dust control devices shall be maintained and operated.

4) Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.

5) Property. The yard and driveway of any source shall be asphalted, oiled or equivalently treated to control dust.

6) Housekeeping Check List. Housekeeping check lists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

c) Exemptions. Any grain-handling operation for which construction or modification commenced prior to June 30, 1975, having a grain through-put of not more than 2 million bushels per year and located inside a major population area and any grain-handling operation or grain-drying operation for which construction or modification commenced prior to June 30, 1975, located outside of a major population area which is required to apply for a permit pursuant to Sections 212.462 and 212.463 of this Subpart, respectively, shall receive such permit notwithstanding the control requirements of those respective rules provided said operation can demonstrate

that the following conditions exist upon application for, or renewal of, an operating permit:

1) The requirements of subsection (b) of this Section are being met; and

2) No certified investigation is on file with the Agency indicating that there is an alleged violation prior to issuance of the permit.

A) If a certified investigation is on file with the Agency indicating an alleged violation, any applicant may obtain an exemption for certain operations if said applicant can prove to the Agency that those parts of his operation for which he seeks exemption are not the probable cause of the alleged violation.

B) Applicants requesting an exemption in accordance with the provisions of subsection (c)(2)(A) of this Section may be granted an operating permit for a limited time, not to exceed twelve (12) months in duration, if an objection is on file with the Agency on which a certified investigation has not been made prior to issuance of the permit.

C) An applicant may consider denial of an exemption under this rule as a refusal by the Agency to issue a permit. This shall entitle the applicant to appeal the Agency's decision to the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

d) Loss of Exemption. Any grain-handling operation or grain-drying operation for which construction or modification commenced prior to June 30, 1975, that has received an operating permit pursuant to the provisions of subsection (c) of this Section shall apply for an operating and/or construction permit pursuant to 35 Ill. Adm. Code 201 within sixty (60) days after receipt of written notice from the Agency that a certified investigation is on file with the Agency indicating that there is an alleged violation against the operation. The construction permit application shall include a compliance plan and project completion schedule showing the grain-handling operation's program or grain-drying operation's program for complying with the standards and limitations of Section 212.462 or 212.463 of this Subpart as the case may be, within a reasonable time after the date on which notice of a certified investigation indicating alleged pollution was received by said operation; provided, however, any such operation shall not be required to reduce emissions from those parts of the operation that the applicant can prove

to the Agency are not the probable cause of the pollution alleged in the certified investigation.

1) The written notice of loss of exemption is not a final action of the Agency appeal able to the Board.

2) Denial of a permit requested pursuant to this subsection is a final action appeal able to the Board under Section 40 of the Act [415 ILCS 5/40].

e) Circumvention. It shall be a violation of this regulation for any person or persons to attempt to circumvent the requirements of this regulation by establishing a pattern of ownership or source development which, except for such pattern of ownership or source development, would otherwise require application of Section 212.462 or 212.463 of this Subpart.

f) Standard on Appeal to Board. In ruling on any appeal of a permit denial under subsection (c) or (d) of this Section, the Board shall not order the permit to be issued by the Agency unless the applicant who has appealed the permit denial has proved to the Board that the grain-handling operation or grain-drying operation which is the subject of the denied application is not injurious to human, plant or animal life, to health, or to property, and does not unreasonably interfere with the enjoyment of life or property.

g) Alternate Control of Particulate Emissions.

1) Grain-handling or grain-drying operations, which were in numerical compliance with Section 212.322 of this Part, as of April 14, 1972, and continue to be in compliance with Section 212.322 of this Part need not comply with the provisions under this Subpart, except the housekeeping practices in this subsection and subsection (b) of this Section.

2) Grain-handling or grain-drying operations, which were not in numerical compliance with Section 212.322 of this Part, as of April 14, 1972, but which came into compliance with Section 212.321 of this Part prior to April 14, 1972, and continue to be in compliance with Section 212.321 of this Part need not comply with the provisions under this Subpart, except the housekeeping practices in this subsection and in subsection (b) of this Section.

3) Proof of compliance with said rule shall be made by stack sampling and/or material balance results obtained from actual testing of the subject emission unit or process and be submitted at the time of an application for, or renewal of, an operating permit.

h) Severability. If any provision of these rules and regulations is adjudged invalid, such invalidity shall not affect the validity of this 35 Ill. Adm. Code, Subtitle B, Chapter I as a whole or of any Part, Subpart, sentence or clause thereof not adjudged invalid.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.462 Grain Handling Operations

Unless otherwise exempted pursuant to Section 212.461(c) or (d) of this Subpart, or allowed to use alternate control according to Section 212.461(g) of this Subpart, existing grain-handling operations with a total annual grain through-put of 300,000 bushels or more shall apply for an operating permit pursuant to 35 Ill. Adm. Code 201, and shall demonstrate compliance with the following:

a) Cleaning and Separating Operations.

1) Particulate matter generated during cleaning and separating operations shall be captured to the extent necessary to prevent visible particulate matter emissions directly into the atmosphere.

2) For grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area, air contaminants collected from cleaning and separating operations shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent by weight prior to release into the atmosphere.

3) For grain-handling sources having a grain through-put exceeding 2 million bushels per year and located within a major population area, air contaminants collected from cleaning and separating operations shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98 percent by weight prior to release into the atmosphere.

b) Major Dump-Pit Area.

1) Induced Draft.

A) Induced draft shall be applied to major dump pits and their associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained, at the effective

grate surface, sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity at the effective grate surface shall be at least 200 fpm, which shall be determined by using the equation:

$$V = Q/A$$

Where:

V = Face velocity; and
Q = Induced draft volume in scfm; and
A = Effective grate area in ft^2; and

B) The induced draft air stream for grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be confined and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90 percent by weight; and

C) The induced draft air stream for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be confined and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 98 percent by weight; and

D) Means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) shall be employed to prevent a wind velocity in excess of 50 percent of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. The wind velocity shall be measured, with the induced draft system not operating, at a point midway between the dump-pit area walls at the point where the wind exits the dump-pit area, and at a height above the dump-pit area floor of approximately 2 ft; or

2) Any equivalent method, technique, system or combination thereof adequate to achieve, at a minimum, a particulate matter emission reduction equal to the reduction which could be achieved by compliance with subsection (b)(1) of this Section. (Board Note: Pursuant to Section 9 of the Act,

certain country grain elevators are exempt from subsection (b) of this Section.)

c) Internal Transferring Area.

1) Internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere.

2) Air contaminants collected from internal transfer operations for grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent by weight prior to release into the atmosphere.

3) Air contaminants collected from internal transfer operations for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98 percent by weight prior to release into the atmosphere.

d) Load-Out Area.

1) Truck and hopper car loading shall employ socks, sleeves or equivalent devices which extend 6 inches below the sides of the receiving vehicle, except for topping off. Choke loading shall be considered an equivalent method as long as the discharge is no more than 12 inches above the sides of the receiving vehicle.

2) Box car loading shall employ means or devices to prevent the emission of particulate matter into the atmosphere to the fullest extent which is technologically and economically feasible.

3) Watercraft Loading.

A) Particulate matter emissions generated during loading for grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be captured in an induced draft air stream, which shall be ducted through air pollution control equipment that has a rated and actual particulate matter removal efficiency of not less than 90 percent

by weight prior to release into the atmosphere.

B) Particulate matter emissions generated during loading for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be captured in an induced draft air stream, which shall be ducted through air pollution control equipment that has a rated and actual particulate removal efficiency of not less than 98 percent by weight prior to release into the atmosphere; except for the portion of grain loaded by trimming machines for which particulate matter emission reductions, at a minimum, shall equal the reduction achieved by compliance with subsection (d)(3)(A) of this Section.

e) New and Modified Grain-Handling Operations. Grain-handling operations for which construction or modification commenced on or after June 30, 1975, shall file applications for construction and operating permits pursuant to 35 Ill. Adm. Code 201, and shall comply with the control equipment requirements of this Section, except for grain-handling operations for which construction or modification commenced on or after June 30, 1975, which will handle an annual grain through-put of less than 300,000 bushels; provided, however, that for the purpose of this Subpart, an increase in the annual grain through-put, without physical alterations or additions to the grain-handling operation, shall not be considered a modification unless such increase exceeds 30 percent of the annual grain through-put on which the operation's original construction and/or operating permit was granted. If the grain-handling operation has been operating lawfully without a permit, its annual grain through-put shall be determined as set forth in the definition of the term "annual grain through-put."

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.463 Grain Drying Operations

Unless otherwise exempted pursuant to Section 212.461(c) or (d) of this Subpart or allowed to use alternate control according to Section 212.461(g) of this Subpart, grain-drying operations for which construction or modification commenced prior to June 30, 1975, with a total grain-drying capacity in excess of 750 bushels per hour for 5 percent moisture extraction at manufacturer's rated capacity (using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, incorporated by reference in Section 212.113 of this Part) shall be operated

in such a fashion as to preclude the emission of particulate matter larger than 300 microns mean particle diameter, shall apply for an operating permit pursuant to 35 Ill. Adm. Code 201, and shall comply with the following:

a) Column Dryers. The largest effective circular diameter of transverse perforations in the external sheeting of a column dryer shall not exceed 0.094 inch, and the grain inlet and outlet shall be enclosed.

b) Rack Dryers. No portion of the exhaust air of rack dryers shall be emitted to the ambient atmosphere without having passed through a particulate collection screen having a maximum opening of 50 mesh, U.S. Sieve Series.

   1) All such screens will have adequate self-cleaning mechanisms, the exhaust gas of which for grain-handling facilities having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be ducted through air pollution control equipment which has a rated and actual particulate removal efficiency of 90 percent by weight prior to release into the atmosphere.

   2) All such screens will have adequate self-cleaning mechanisms, the exhaust gas of which for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be ducted through air pollution control equipment which has a rated and actual particulate removal efficiency of 98 percent by weight prior to release into the atmosphere.

c) Other Types of Dryers. All other types of dryers shall be controlled in a manner which shall result in the same degree of control required for rack dryers pursuant to subsection (b) of this Section.

d) New and Modified Grain-Drying Operations. Grain-drying operations constructed or modified on or after June 30, 1975, shall file applications for construction and operating permits pursuant to 35 Ill. Adm. Code 201, and shall comply with the control equipment requirements of this Section, except for new and modified grain-drying operations which do not result in a total grain-drying capacity in excess of 750 bushels per hour for 5 percent moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineer Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.464 Sources in Certain Areas

a) Applicability. Notwithstanding Section 212.461 of this Subpart, this Section shall apply to those sources located in the Lake Calumet area as defined in Section 212.324(a)(1)(B) of this Part.

b) Emission Limitations

1) No person shall cause or allow the emission of PM-10, other than that of fugitive particulate matter, into the atmosphere to exceed 22.9 mg/scm (0.01 gr/scf) during any one hour period from any process emission unit engaged in the drying, storing, mixing or treating of grain except for column grain dryers; in addition, no person shall cause or allow visible emissions of PM-10 other than fugitive particulate matter from grain conveying, transferring, loading, or unloading operations including garners, scales and cleaners.

2) No person shall cause or allow the emission of fugitive particulate matter into the atmosphere from barges and other watercraft, truck or rail loading or unloading systems to exceed the limits specified in Section 212.123 of this Part.

3) Column grain dryers shall not be eligible for the exemptions as provided in Section 212.461(g) of this Part.

c) Exceptions. The mass emission limits contained in subsection (b) of this Section shall apply to those sources with no visible emissions other than that of fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsection (b) of this Section.

d) Maintenance, Repair, and Recordkeeping. The requirements of Section 212.324 (f) and (g) of this Part shall also apply to this Section.

e) Compliance Date. Emission units shall comply with the emission limitations and recordkeeping and reporting requirements of this Section May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 214
SULFUR LIMITATIONS

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AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, Ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 204: Sulfur Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R74-2, R75-5, 38 PCB 129, at 4 Ill. Reg. 28, p. 417, effective June 26, 1980; amended in R78-17, 40 PCB 291, at 5 Ill. Reg. 1892, effective February 17, 1981; amended in R77-15, 44 PCB 267, at 6 Ill. Reg. 2146, effective January 28, 1982; amended and renumbered in R80-22(A), at 7 Ill. Reg. 4219, effective March 28, 1983; codified 7 Ill. Reg. 13597; amended in R80-22(B), at 8 Ill. Reg. 6172, effective April 24, 1984; amended in R84-28, at 10 Ill. Reg. 9806, effective May 20, 1986; amended in R86-31, at 12 Ill. Reg. 17387, effective October 14, 1988; amended in R86-30, at 12 Ill. Reg. 20778, effective December 5, 1988; amended in R87-31 at 15 Ill. Reg. 1017, effective January 15, 1991.

PART 214
SULFUR LIMITATIONS
SUBPART A: GENERAL PROVISIONS

Section 214.100 Scope and Organization

a) This Part sets standards and limitations for emission of sulfur from stationary sources.

b) Permit for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.

c) Notwithstanding the provisions of this Part, the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.

d) This Part is divided into Subparts which are grouped as follows:

1) Subpart A: General Provisions

2) Subparts B - J: Fuel Combustion Emission Sources and Incinerators

3) Subparts K - M: Process Emission Sources

4) Subparts N - End: Industry and site specific rules.

e) These rules have been grouped for the convenience of the public; the scope of each is determined by its language and history.

Section 214.101 Measurement Methods

A determination of non-compliance based on any subsection of this Section shall not be refuted by evidence of compliance with any other subsection.

a) Sulfur Dioxide Measurement. Measurement of sulfur dioxide emissions from stationary sources shall be made according to an applicable method specified in 40 CFR 60, Appendix A, Method 6, 6A, 6B, or 6C, incorporated by reference in Section 214.104(a), or by measurement procedures established pursuant to 40 CFR 60.8(b), incorporated by reference in Section 214.104(b). (Ill. Rev. Stat. 1989, Ch. 111 1/2, par. 1010.)

b) Sulfuric Acid Mist and Sulfur Trioxide Measurement. Measurement of sulfuric acid mist and sulfur trioxide shall be according to the barium-thorin titration method specified in 40 CFR 60, Appendix A, Method 8, incorporated by reference in Section 214.104(a).

c) Solid Fuel Averaging Measurement Daily Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 439.5 MW (1500 million Btu/hr). If daily fuel analysis is used to demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a) 214.162, 214.186 and 214.421, the sulfur dioxide emission rate to be compared to the emission limit shall be considered to be the result of averaging daily samples taken over any consecutive two-month period provided no more than 5 percent of the sample values are greater than 20 percent above the sample average. If samples from a source cannot meet this statistical criterion, each individual daily sample analysis for such source shall be compared to the source's emission limit to determine compliance. The specific ASTM procedures, incorporated by reference in Section 214.104(c), shall be used for solid fuel sampling, sulfur, and heating value determinations.

d) Weekly Analysis Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity exceeding 146.5 MW (500 million Btu/hr) but not exceeding 439.5 MW (1500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar weekly composites of daily fuel samples or by compliance with subsection (c) above, at the option of the plant. The specific ASTM procedures incorporated by reference in Section 214.104(c), shall be used for sulfur and heating value determinations.

e) Monthly Analysis Method. This subsection applies to sources at plants with total fuel-fired heat input capacity exceeding 14.65 MW (50 millions Btu/hr) but not exceeding 146.5 MW (500 million Btu/hr). These plants shall demonstrate compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 by either an analysis of calendar monthly composites of daily fuel samples or by compliance with subsection (c) above, at the option of the plant. ASTM procedures incorporated by reference in Section 214.104(c), shall be used for sulfur and heating value determinations.

f) Small Source Alternative Method. This subsection applies to sources at plants with total solid fuel-fired heat input capacity not exceeding 14.65 MW (50 million Btu/hr). Compliance or non-compliance with Sections 214.122, 214.141, 214.142(a), 214.162, 214.186 and 214.421 shall be demonstrated by a calendar month average sulfur dioxide emission rate.

g) Exemptions. Subsections (c) through (f) shall not apply to sources controlling sulfur dioxide emissions by flue gas desulfurization equipment or by sorbent injection.

h) Hydrogen Sulfide Measurement. For purposes of determining compliance with Section 214.382(c), the concentration of hydrogen sulfide in petroleum refinery fuel gas shall be measured using the Tutwiler Procedure specified in 40 CFR 60.648, incorporated by reference in Section 214.104(d).

(Source: Amended at 15 Ill. Reg. 1017, effective January 15, 1991)

Section 214.102 Abbreviations and Units

a) The following abbreviations are used in this Part:

Btu	British thermal units (60°F)
ft	foot
gr	grains
J	Joule

kg	kilogram
kg/MW-hr	kilograms per megawatt-hour
km	kilometer
lbs	pounds
lbs/mmBtu	pounds per million Btu
m	meter
mg	milligram
Mg	megagram, metric ton or tonne
mi	mile
mmBtu	million British thermal units
mmBtu/hr	million British thermal units per hour
MW	megawatt; one million watts
MW-hr	megawatt-hour
ng	nanogram; one billionth of a gram by volume
ng/J	nanograms per Joule
ppm	parts per million
scf	standard cubic foot
scm	standard cubic meter
T	English ton

b) The following conversion factors have been used in this Part:

English	Metric
2.205 lb	1 kg
1 T	0.907 Mg
1 lb/T	0.500 kg/Mg
mmBtu/hr	0.293 MW
1 lb/mmBtu	1.548 kg/MW-hr
1 mi	1.61 km
1 gr/scf	2289 mg/scm

(Source: Amended at 12 Ill. Reg. 20778, effective December 5, 1988)

Section 214.103 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part.

Section 214.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

a) 40 CFR 60, Appendix A (1989):

1) Method 6: Determination of Sulfur Dioxide Emissions From Stationary Sources;

2) Method 6A: Determination of Sulfur Dioxide, Moisture, and Carbon Dioxide Emissions From Fossil Fuel Combustion Sources;

3) Method 6B: Determination of Sulfur Dioxide and Carbon Dioxide Daily Average Emissions From Fossil Fuel Combustion Sources;

4) Method 6C: Determination of Sulfur Dioxide Emissions From Stationary Sources (Instrumental Analyzer Procedure);

5) Method 8: Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions From Stationary Sources.

b) 40 CFR 60.8(b) (1989), Performance Tests.

c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

1) For solid fuel sampling:
ASTM D-2234 (1989)
ASTM D-2013 (1986)

2) For sulfur determinations:
ASTM D-3177 (1984)
ASTM D-2622 (1987)
ASTM D-3180 (1984)
ASTM D-4239 (1985)

3) For heating value determinations:
ASTM D-2015 (1985)
ASTM D-3286 (1985)

d) Tutwiler Procedure for hydrogen sulfide, 40 CFR 60.648 (1989).

(Source: Amended at 15 Ill. Reg. 1017, effective January 15, 1991)

PART 214
SULFUR LIMITATIONS
SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section 214.120 Scope

Subparts B through F contain general rules for sulfur emissions from fuel combustion emission sources. These may be modified by industry and site specific rules in Subparts N et seq.

Section 214.121 Large Sources

This section applies to new fuel combustion emission sources with actual heat input greater than 73.2 MW (250 mmBtu/hr).

a) Solid Fuel Burned Exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel combustion emission source greater than 73.2 MW (250 mmBtu/hr), burning solid fuel exclusively, to exceed 1.86 kg of sulfur dioxide per MW-hr of actual heat input (1.2 lbs/mmBtu). (Board Note: This section was invalidated in Commonwealth Edison v. PCB, 25 Ill. App. 3d 271, 62 Ill.2d 494, 43 N.E.2d 84, Ashland Chemical Corp. v. PCB, 64 Ill. App.3d 169, and Illinois State Chamber of Commerce v. PCB, 67 Ill. App.3d 839, 384 N.E.2d 922, 78 Ill.2d 1, 398 N.E.2d 9.)

b) Liquid Fuel Burned Exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel combustion emission source greater than 73.2 MW (250 mmBtu/hr), burning liquid fuel exclusively:

1) To exceed 1.2 kg of sulfur dioxide per MW-hr of actual heat input when residual fuel oil is burned (0.8 lbs/mmBtu); and

2) To exceed 0.46 kg of sulfur dioxide per MW-hr of actual heat input when distillate fuel oil is burned (0.3 lbs/mmBtu).

(Source: Amended at 7 Ill. Reg. 4219, effective March 28, 1983)

Section 214.122 Small Sources

This section applies to new fuel combustion emission sources with actual heat input smaller than, or equal to, 73.2 MW (250 mmBtu/hr).

a) Solid Fuel Burned Exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel combustion source with actual heat input smaller than, or equal to, 73.2 MW (250 mmBtu/hr), burning solid fuel exclusively, to exceed 2.79 kg of sulfur dioxide per MW-hr of actual heat input (1.8 lbs/mmBtu).

b) Liquid Fuel Burned Exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel combustion source with actual heat input smaller than, or equal to, 73.2 MW (250 mmBtu/hr), burning liquid fuel exclusively:

1) To exceed 1.55 kg of sulfur dioxide per MW-hr of actual heat input when residential fuel oil is burned (0.8 lbs/mmBtu); and

2) To exceed 0.46 kg of sulfur dioxide per MW-hr of actual heat input when distillate fuel oil is burned (0.3 lbs/mmBtu).

(Source: Amended at 4 Ill. Reg. 28, p. 417, effective June 26, 1980)

PART 214
SULFUR LIMITATIONS
SUBPART K: PROCESS EMISSION SOURCES

Section 214.300 Scope

Subpart K contains general rules for sulfur emissions from process sources. These may be modified by industry and site specific rules in Subparts N et seq.

Section 214.301 General Limitation

Except as further provided by this Part, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to excess 2000 ppm.

(Source: Amended at 7 Ill. Reg. 4219, effective March 28, 1983)

Section 214.302 Exception for Air Pollution Control Equipment

Section 214.301 shall not apply to processes designed to remove sulfur compounds from the flue gases of fuel combustion emission sources.

(Source: Amended at 7 Ill. Reg. 4219, effective March 28, 1983)

Section 214.303 Use of Sulfuric Acid

With the exception of fuel combustion emission sources and acid manufacturing, no person using sulfuric acid shall cause or allow the emission of sulfuric acid and/or sulfur trioxide from all other similar emission sources at a plant or premises to exceed:

a) 45.4 grams in any one hour period for sulfuric acid usage less than 1180 MG/yr (100 percent acid basis) (0.10 lbs/hr up to 1300 T/yr);

b) 250 grams per metric ton of acid used for sulfuric acid usage greater than or equal to 1180 Mg/yr (100 percent acid basis) (0.50 lbs/T over 1300 T/yr).

(Source: Amended at 7 Ill. Reg. 4219, effective March 28, 1983)

Section 214.304 Fuel Burning Process Emission Source

The emissions from the burning of fuel at process emission sources located in the Chicago or St. Louis (Illinois) major

metropolitan areas shall comply with applicable Subparts B through F, except as follows: No person shall cause or allow the emissions of sulfur into the atmosphere in any one hour period from burning tea leaves as fuel to exceed 0.70 pounds of sulfur dioxide per mmBtu of actual heat input.

(Source: Added at 7 Ill. Reg. 4219, effective March 28, 1983)

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

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AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601 Corrected at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173,

effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 15, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. 11427, effective June 19, 1998.

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section 215.100 Introduction

a) This Part contains standards and limitations for emissions of organic material from stationary sources located in areas other than the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, and the Metro East area counties of Madison, Monroe, and St. Clair. Standards and limitations applying in the Chicago area are set forth in 35 Ill. Adm. Code 218. Standards and limitations applying in the Metro East area are set forth in 35 Ill. Adm. Code 219.

1) Notwithstanding any other provision of this Part, the provisions of this Part shall not apply to sources located in the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, unless the provisions of 35 Ill. Adm. Code Part 218 applicable to such sources are voided or otherwise made ineffective pursuant to Section 218.100 of 35 Ill. Adm. Code Part 218.

2) Notwithstanding any other provision of this Part, the provisions of this Part shall not apply to sources in the Metro East area counties of Madison, Monroe and St. Clair unless the provisions of 35 Ill. Adm. Code Part 219 applicable to such sources are voided or otherwise made ineffective pursuant to Section 219.100 of 35 Ill. Adm. Code Part 219.

b) Sources subject to this Part may be subject to the following:

1) Permits required under 35 Ill. Adm. Code 201;

2) Air quality standards under 35 Ill. Adm. Code 243.

c) This Part is divided into Subparts which are grouped as follows:

1) Subpart A: General Provisions;

2) Subpart B - J: Emissions from equipment and operations in common to more than one industry;

3) Subparts K - M: Emissions from use of organic material;

4) Subpart N - end: Special rules for various industry groups.

(Source: Amended at 16 Ill. Reg. 13849, effective August 24, 1992)

Section 215.101 Clean-up and Disposal Operations

Emission of organic material released during clean-up operations and disposal shall be included with other emissions of organic material from the related emission source or air pollution control equipment in determining total emissions.

(Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

Section 215.102 Testing Methods

Volatile organic material or organic material concentrations in a stream is measured by Method 18, 40 CFR 60, Appendix A, incorporated by reference in Section 215.105, Measurement of Gaseous Organic Compounds incorporated by reference in 215.105 except as follows. ASTM D-4457, incorporated by reference in Section 215.105, may be used for halogenated organic compounds. Method 25, 25A or 25B, 40 CFR 60, Appendix A, incorporated by reference in 215.105 may be substituted for Method 18 provided the source owner or operator submits calibration data and other proof that this method provides the information in the emission units of the applicable standard. The volumetric flow rate and gas velocity is determined in accordance with Methods 1, 1A, 2, 2A, 2C, 2D, 3 and 4, 40 CFR Part 60, Appendix A, incorporated by reference in 215.105. Any other alternate test method must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of the approved test method(s). If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test method(s), the Agency shall approve the proposed alternative.

(Source: Amended at 15 Ill. Reg. 8018, effective May 14, 1991)

Section 215.103 Abbreviations and Conversion Factors

a. The following abbreviations are used in this Part:

bbl	barrels (42 gal)
°C	degrees Celsius or centigrade
cu in	cubic inches
°F	degrees Fahrenheit
ft	foot
g	gram
g/mole	grams per mole
gal	gallon
hr	hour
in	inch
°K	degrees Kelvin
kcal	kilocalorie
kg	kilogram
kg/hr	kilograms per hour
kPa	kilopascals; one thousand newtons per square meter
l	liter
lb	pound
lbs/hr	pounds per hour
lbs/gal	pounds per gallon
m	meter
Mg	megagram, metric ton or tonne
min	minute
MJ	mega joules
mm Hg	millimeters of mercury
ml	milliliter
ppm	parts per million
ppmv	parts per million by volume
psi	pounds per square inch
psia	pounds per square inch absolute
psig	pounds per square inch gauge
scm	standard cubic meters
T	English ton

b. The following conversion factors have been used in this Part:

English	Metric
1 gal	3.785 1
1000 gal	3,785 1 or 3.785 cubic meters
1 psia	6.897 kPa (51.71 mm Hg)
2.205 lbs	1 kg
1 bbl	159.01 1
1 cu in	16.39 ml
1 lb/gal	119,800 mg/l
1T	0.907 mg

(Source: Amended at 12 Ill. Reg. 815, effective December 24, 1987)

Section 215.104 Definitions

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part, as well as the definitions contained in this Section. Where the definition contained in this Section is more specific than that found in 35 Ill. Adm. Code 201 or 211, it shall take precedence in application of this Part.

"Furniture Coating Application Line": The combination of coating application equipment, flash-off area, spray booths, ovens, conveyors, and other equipment operated in a predetermined sequence for purpose of applying coating to wood furniture.

"In Vacuum Service:" For the purposes of Subpart Q, Sections 215.430 through 215.438 equipment which is operating at an internal pressure that is at least 5 kPa (0.73 psia) below ambient pressure.

"Opaque Stains": All stains containing pigments not classified as semi-transparent stains including stains, glazes and other opaque material to give character to wood.

"Reid vapor pressure": is the standardized measure of the vapor pressure of a liquid in pounds per square inch absolute (psia) at 100°F (37.8°C).

(Source: Amended at 22 Ill. Reg. 11427, effective June 19, 1998)

Section 215.105 Incorporation by Reference

The following materials are incorporated by reference:

a) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

1) ASTM D 1644-59 Method A

2) ASTM D 1475-60

3) ASTM D 2369-81

4) ASTM D 2879-83 (Approved 1983); ASTM D 2879-86 (Approved 1986)

5) ASTM D 323-82 (Approved 1982)

6) ASTM D 86-82 (Approved 1982)

7) ASTM E 260-73 (Approved 1973), E 168 - 67 (Reapproved 1977), E 169 - 63 (Reapproved 1981), E 20 (Approved 1985)

8) ASTM D 97-66

9) ASTM D 1946-67

10) ASTM D 2382-76

11) ASTM D 2504-83

12) ASTM D 2382-83

13) ASTM D-4057-81 (Approved 1981)

14) ASTM D-4177-82 (Approved 1982)

15) ASTM D-4953-89

16) ASTM D-4457-85

b) Federal Standard 141a, Method 4082.1.

c) National Fire Codes, National Fire Protection Association, Battery March Park, Quincy, Massachusetts 02269 (1979).

d) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026, Appendix A.

e) United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051 Appendix A and Appendix B (December 1978).

f) Standards Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1972.

g) 40 CFR 60 (1989).

h) United States Environmental Protection Agency, Washington D.C., EPA-450/2-78-041.

i) 40 CFR 80, Appendices D, E, and F (1989).

j) Elsevier Scientific Publishing Co., New York, "The Vapor Pressure of Pure Substances" (1973), Boublik, T., V. Fried and E. Hala.

k) McGraw-Hill Book Company, “Perry’s Chemical Engineer’s Handbook” (1984).

l) Chemical Rubber Publishing Company, "CRC Handbook of Chemistry and Physics" (1968-87).

m) McGraw-Hill Book Company, "Lange’s Handbook of Chemistry" (1985) John A. Dean, Editor.

n) United States Environmental Protection Agency, Washington D.C., "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products", (EPA-450/2-78-029).

BOARD NOTE: The incorporations by reference listed above contain no later amendments or editions.

(Source: Amended at 15 Ill. Reg. 8018, effective May 14, 1991)

Section 215.106 Afterburners

The operation of any oil fired or natural gas fired after-burner and capture system used to comply with this Part of any section thereof is not required during the period of November 1 of any year to April 1 of the following year provided that:

a) The operation of such devices is not required for purposes of occupational safety or health, or for the control of toxic substances, odor nuisances or other regulated pollutants; and

b) Such devices are operated for the duration of any period for which an ozone advisory, alert or emergency has been declared pursuant to 35 Ill. Adm. Code 244.

(Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

Section 215.107 Determination of Applicability

a) In determining the applicability of regulations in this Part which are qualified by "when averaged over the preceding three calendar years" the "preceding three calendar years" shall mean:

1) The three years preceding the date by which compliance is required for purposes of determining initial applicability to existing sources;

2) Any consecutive three year period for purposes of determining applicability to sources not previously subject to the regulation on the date by which compliance is required.

b) Sources to which the regulation has been applicable at any time shall continue to be subject to the applicable limitations even if operations change so as to result in an average which is below that which initially made the regulation applicable to those sources' operations.

(Source: Added in R85-21 (A) at 11 Ill. Reg. 11770, effective June 29, 1987)

Section 215.108 Measurement of Vapor Pressures

a) Vapor Pressure of Volatile Organic Liquids

1) If the volatile organic liquid consists of only a single compound, the vapor pressure shall be determined by ASTM Method D 2879-86, or the vapor pressure may be obtained from a published source such as "The Vapor Pressure of Pure Substances," "Perry's Chemical Engineer's Handbook" "CRC Handbook of Chemistry and Physics," or "Lange's Handbook of Chemistry," each source incorporated by reference at Section 215.105.

2) If the volatile organic liquid is a mixture, the vapor pressure shall be determined by ASTM Method D 2879-86 or by the following equation:

$$P_{vol} = \sum_{i=1}^{n} P_i X_i$$

Where:

P_{vol} = Total vapor pressure of the mixture.

n = Number of components in the mixture.

i = Subscript denoting an individual component.

P_i = Vapor pressure of a component determined in accordance with subsection (a)(1).

X_i = Mole fraction of the component in the total mixture.

b) Vapor Pressure of Organic Material or Solvent

1) If the organic material or solvent consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86, or the vapor pressure may be obtained from a published source such as "The Vapor Pressure of Pure Substances," "Perry's Chemical Engineer's Handbook," "CRC Handbook of Chemistry and Physics," or "Lange's Handbook of Chemistry," each source incorporated by reference at Section 215.105.

2) If the organic material or solvent is a mixture made up of both organic material compounds and compounds which are not organic material, the vapor pressure shall be determined by the following equation:

$$P_{om} = \frac{\sum_{i=1}^{n} P_i X_i}{\sum_{i=1}^{n} X_i}$$

Where:

P_{om} = Total vapor pressure of the portion of the mixture which is composed of organic material.

n = Number of organic material components in the mixture.

i = Subscript denoting an individual component.

P_i = Vapor pressure of an organic material component determined in accordance with subsection (b)(1).

X_i = Mole fraction of the organic material component of the total mixture.

3) If the organic material or solvent is a mixture made up of only organic material compounds, the vapor pressure shall be determined by ASTM Method D2879-86 or by the above equation.

c) Vapor Pressure of Volatile Organic Material

1) If the volatile organic material consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86, or the vapor pressure may be obtained from a published source such as "The Vapor Pressure of Pure Substances," "Perry's Chemical Engineer's Handbook," "CRC Handbook of Chemistry and Physics," or "Lange's Handbook of Chemistry," each source incorporated by reference at Section 215.105.

2) If the volatile organic material is a mixture made up of both volatile organic material compounds and compounds which are not volatile organic material, the vapor pressure shall be determined by the following equation:

$$P_{vom} = \frac{\sum_{i=1}^{n} P_i X_i}{\sum_{i=1}^{n} X_i}$$

Where:

P_{vom} = Total vapor pressure of the portion of the mixture which is composed of volatile organic material.

n = Number of volatile organic material components in the mixture.

i = Subscript denoting an individual component.

P_i = Vapor pressure of a volatile organic material component determined in accordance with subsection (c)(1).

X_i = Mole fraction of the volatile organic material component of the total mixture.

3) If the volatile organic material is a mixture made up of only volatile organic material compounds, the vapor pressure shall be determined by ASTM D2879-86 or by the above equation.

(Source: Added at 15 Ill. Reg. 8018, effective May 14, 1991)

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
SUBPART A: GENERAL PROVISIONS

Section 215.109 Monitoring for Negligibly-Reactive Compounds

Any provision of 35 Ill. Adm. Code 211 notwithstanding, the Agency may require an owner or operator to submit monitoring or testing methods and results for any of the compounds listed at 35 Ill. Adm. Code 211.7150 as exempted from the definition of "volatile organic material" demonstrating the amount of exempted compounds in the source's emissions, as a precondition to such exemption, where direct quantification of volatile organic material emissions is not possible due to any of the following circumstances which make it necessary to quantify the exempt compound emissions in order to quantify volatile organic material emissions:

a) VOM and exempted compounds are mixed together in the same emissions;

b) There are a large number of exempted compounds in the same emissions; or

c) The chemical composition of the exempted compounds in the emissions is not known.

Board Note: Derived from the USEPA "Recommended Policy on the Control of Volatile Organic Compounds", as amended at 56 Fed. Reg. 11418, March 18, 1991, and subsequently codified as 40 CFR 51.100(s), as added at 57 Fed. Reg. 3941 (Feb. 3, 1992). See also 35 Ill. Adm. Code 211.7150 for the basic definition of "volatile organic material." USEPA is not bound by any state determination as to monitoring. 40 CFR 51.100(s)(4).

(Source: Amended at 22 Ill. Reg. 11427, effective June 19, 1998)

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section 215.121 Storage Containers

No person shall cause or allow the storage of any volatile organic liquid with a vapor pressure of 17.24 kPa (2.5 psia) or greater at 294.3 K (70 F) or any gaseous organic material in any stationary tank, reservoir or other container of more than 151 cubic meters (40,000 gal) capacity unless such tank, reservoir or other container:

a) Is a pressure tank capable of withstanding the vapor pressure of such liquid or the pressure of the gas, so as to prevent vapor or gas loss to the atmosphere at all times; or,

b) Is designed and equipped with one of the following vapor loss control devices:

1) A floating roof which rests on the surface of the volatile organic liquid and is equipped with a closure seal or seals between the roof edge and the tank wall. Such floating roof shall not be permitted if the volatile organic liquid has a vapor pressure of 86.19 kPa (12.5 psia) or greater at 294.3°K (70°F). No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tanks, except during sampling or maintenance operations.

2) A vapor recovery system consisting of:

A) A vapor gathering system capable of collecting 85% or more of the uncontrolled volatile organic material that would be otherwise emitted to the atmosphere; and,

B) A vapor disposal system capable of processing such volatile organic material so as to prevent its emission to the atmosphere. No person shall cause or allow the emission of air contaminants into the atmosphere from any gauging or sampling devices attached to such tank, reservoir or other container except during sampling.

3) Other equipment or means of equal efficiency approved by the Agency according to the provisions of 35 Ill. Adm. Code 201.

(Source: Amended at 12 Ill. Reg. 815, effective December 24, 1987)

Section 215.122 Loading Operations

a) No person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere during the loading of any organic material from the aggregate loading pipes of any loading facility having through-put of greater than 151 cubic meters per day (40,000 gal/day) into any railroad tank car, tank truck or trailer unless such loading facility is equipped with submerged loading pipes, submerged fill, or a device that is equally effective in controlling emissions and is approved by the Agency according to the provisions of 35 Ill. Adm. Code 201.

b) No person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 946 1 (250 gal), unless such tank is equipped with a permanent submerged loading pipe,

submerged fill, or an equivalent device approved by the Agency according to the provisions of 35 Ill. Adm. Code 201 or unless such tank is a pressure tank as described in Section 215.121(a) or is fitted with a recovery system as described in Section 215.121(b)(2).

c) Exception: If no odor nuisance exists the limitations of this Section shall only apply to the loading of volatile organic liquid with a vapor pressure of 17.24 kPa (2.5 psia) or greater at 294.3°K (70°F).

(Source: Amended at 14 Ill. Reg. 9173, effective May 23, 1990)

Section 215.123 Petroleum Liquid Storage Tanks

a) The requirements of subsection (b) below shall not apply to any stationary storage tank:

1) Equipped before January 1, 1979 with one of the vapor loss control devices specified in Section 215.121(b) of this Part, except Section 215.121(b)(1) of this Part;

2) With a capacity of less than 151.42 cubic meters;

3) With a capacity of less than 1,600 cubic meters (422,400 gallons) and used to store produced crude oil and condensate prior to custody transfer;

4) With a capacity of less than 1,430 cubic meters (378,000 gallons) and used to store produced oil or condensate in crude oil gathering;

5) Subject to new source performance standards for storage vessels of petroleum liquid, 40 CFR 60, incorporated by reference in Section 215.105 of this Part. *The provisions of Section 111 of the Clean Air Act...relating to standards of performance for new stationary sources...are applicable in this State and are enforceable under [The Environmental Protection Act].* (Ill. Rev. Stat., ch. 111 1/2, par. 1009.1(b)).

6) In which volatile petroleum liquid is not stored; or

7) Which is a pressure tank as described in Section 215.121(a) of this Part.

b) Subject to subsection (a) above no owner or operator of a stationary storage tank shall cause or allow the storage of any volatile pertroleum liquid in the tank unless:

1) The tank is equipped with one of the vapor loss control devices specified in Section 215.121(b) of this Part;

2) There are no visible holes, tears or other defects in the seal or any seal fabric or material of any floating roof;

3) All openings of any floating roof deck, except stub drains, are equipped with covers, lids or seals such that:

A) The cover, lid or seal is in the closed position at all times except when petroleum liquid is transferred to or from the tank;

B) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and

C) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting;

4) Routine inspections of floating roof seals are conducted through roof hatches once every six months;

5) A complete inspection of the cover and seal of any floating roof tank is made whenever the tank is emptied for reasons other than the transfer of petroleum liquid during the normal operation of the tank, or whenever repairs are made as a result of any semi-annual inspection or incidence of roof damage or defect; and

6) A record of the results of each inspection conducted under subsection (b)(4) or (b)(5) above is maintained.

c) Owners and operators of petroleum liquid storage tanks were required to have compliance schedules as summarized in Appendix C of this Part.

(Source: Amended at 16 Ill. Reg. 13849, effective August 24, 1992)

Section 215.124 External Floating Roofs

a) In addition to meeting the requirements of Section 215.123(b), no owner or operator of a stationary storage tank equipped with an external floating roof shall cause or allow the storage of any volatile petroleum liquid in the tank unless:

1) The tank has been fitted with a continuous secondary seal extending from the floating roof to the tank wall (rim mounted secondary seal) or any other device which controls volatile organic material emissions with an effectiveness equal to or greater than a rimmounted secondary seal;

2) Each seal closure device meets the following requirements:

A) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and tank wall; and

B) The accumulated area of gaps exceeding 0.32 centimeter (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 square centimeters per meter of tank diameter (1.0 square inches per foot of tank diameter).

3) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers across at least 90 percent of the area of the opening;

4) Openings are equipped with projections into the tank which remain below the liquid surface at all times;

5) Inspections are conducted prior to May 1 of each year to insure compliance with subsection (a);

6) The secondary seal gap is measured prior to May 1 of each year;

7) Records of the types of volatile petroleum liquid stored, the maximum true vapor pressure of the liquid as stored, the results of the inspections and the results of the secondary seal gap measurements are maintained and available to the Agency, upon verbal or written request, at any reasonable time for a minimum of two years after the date on which the record was made.

b) Subsection (a) does not apply to any stationary storage tank equipped with an external floating roof:

1) Exempted under Section 215.123(a)(2) through 215.123(a)(6);

2) Of welded construction equipped with a metallic-type shoe seal having a secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal);

3) Of welded construction equipped with a metallic-type shoe seal, a liquid-mounted foam seal, or a liquid-mounted liquid-filled-type seal, or other closure device of equivalent control efficiency approved by the Agency in which a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia) at 294.3 K (70 °F) is stored; or

4) Used to store crude oil.

(Source: Amended at 14 Ill. Reg. 9173, effective May 23, 1990)

Section 215.125 Compliance Dates and Geographical Areas

a) Except as otherwise stated in subsection (b), every owner or operator of an emission source subject to Sections 215.123 or 215.124 shall comply with its standards and limitations by December 31, 1983.

b) If an emission source is not located in one of the counties listed below and is also not located in any county contiguous thereto, the owner or operator of the emission source shall comply with the requirements of Sections 215.123 and 215.124 no later than December 31, 1987:

Cook	Macoupin
DuPage	Madison
Kane	Monroe
Lake	Saint Clair

(BOARD NOTE: These counties are proposed to be designated as nonattainment by the United States Environmental Protection Agency at 47 Fed. Reg. 31588, July 21, 1982).

c) Notwithstanding subsection (b), if any county is designated as nonattainment by the United States Environmental Protection Agency (USEPA) at any time subsequent to the effective date of this Section, the owner or operator of an emission source located in that county or any county contiguous to that county who would otherwise be subject to the compliance date in subsection (b) shall comply with the requirements of Sections 215.123 and 215.124 within one year from the date of redesignation but in no case later than December 31, 1987.

(Source: Adopted at 7 Ill. Reg. 1244, effective January 21, 1983)

Section 215.126 Compliance Plan

a) The owner or operator of an emission source subject to Section 215.125(a) shall submit to the Agency a compliance

plan as required by 35 Ill. Adm. Code 201.241, including a project completion schedule where applicable, no later than April 21, 1983.

b) The owner or operator of an emission source subject to Section 215.125(b) shall submit to the Agency a compliance plan, including a project completion schedule where applicable, no later than December 31, 1986.

c) The owner or operator of an emission source subject to Section 215.125(c) shall submit a compliance plan, including a project completion schedule within 90 days after the date of redesignation, but in no case later than December 31, 1986.

d) Unless the submitted compliance plan or schedule is disapproved by the Agency, the owner or operator of a facility or emission source subject to the rules specified in subsections (a), (b) or (c) may operate the emission source according to the plan and schedule as submitted.

e) The plan and schedule shall meet the requirements of 35 Ill. Adm. Code 201.241 including specific interim dates as required in 35 Ill. Adm. Code 201.242.

(Source: Adopted at 7 Ill. Reg. 1244, effective January 21, 1983)

Section 215.127 Emissions Testing

a) Any tests of organic material emissions, including tests conducted to determine control equipment efficiency, shall be conducted in accordance with the methods and procedures specified in Section 215.102.

b) Upon a reasonable request by the Agency, the owner or operator of an organic material emission source required to comply with this Subpart shall conduct emissions testing, at such person's own expense, to demonstrate compliance.

c) A person planning to conduct an organic material emission test to demonstrate compliance with this Subpart shall notify the Agency of that intent not less than 30 days before the planned initiation of the tests so the Agency may observe the test.

(Source: Added at 14 Ill. Reg. 9173, effective May 23, 1990)

Section 215.128 Measurement of Seal Gaps

a) Any measurements of secondary seal gaps shall be conducted in accordance with the methods and procedures specified in

40 CFR 60, Subpart Kb incorporated by reference in Section 215.105.

b) A person planning to conduct a measurement of seal gaps to demonstrate compliance with this Subpart shall notify the Agency of that intent not less than 30 days before the planned performance of the tests so the Agency may observe the test.

(Source: Added at 14 Ill. Reg. 9173, effective May 23, 1990)

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
SUBPART K: USE OF ORGANIC MATERIAL

Section 215.301 Use of Organic Material

No person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source, except as provided in Sections 215.302, 215.303, 215.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.

(Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

Section 215.302 Alternative Standard

Emissions of organic material in excess of those permitted by Section 215.301 are allowable if such emissions are controlled by one of the following methods:

a) Flame, thermal or catalytic incineration so as either to reduce such emissions to 10 ppm equivalent methane (molecular weight 16) or less, or to convert 85 percent of the hydrocarbons to carbon dioxide and water; or,

b) A vapor recovery system which adsorbs and/or condenses at least 85 percent of the total uncontrolled organic material that would otherwise be emitted to the atmosphere; or,

c) Any other air pollution control equipment approved by the Agency capable of reducing by 85 percent or more the uncontrolled organic material that would be otherwise emitted to the atmosphere.

(Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

Section 215.303 Fuel Combustion Emission Sources

The provisions of Sections 215.301 and 215.302 shall not apply to fuel combustion emission sources.

(Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

Section 215.304 Operations with Compliance Program

The provisions of Section 215.301 and 215.302 shall not apply to any owner, operator, user or manufacturer of paint, varnish, lacquer, coatings or printing ink whose compliance program and project completion schedule, as required by 35 Ill. Adm. Code

201, provides for the reduction of organic material used in such process to 20 percent or less of total volume by May 30, 1975.

(Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

Section 215.305 Viscose Exemption (Repealed)

(Source: Repealed at 9 Ill. Reg. 13960, effective August 28, 1985)

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
SUBPART N: VEGETABLE OIL PROCESSING

Section 215.340 Hexane Extraction Soybean Crushing

The owner or operator of a hexane extraction soybean crushing source, which would emit volatile organic material in excess of 100 tons per year in the absence of pollution control equipment or enforceable operating permit limitation, shall not cause or allow emissions to exceed:

a) 0.0026 lbs of volatile organic material per pound of conventional soybean crush, and

b) 0.0052 lbs of volatile organic material per pound of specialty soybean crush.

(Source: Added at 8 Ill. Reg. 13254, effective July 12, 1984)

Section 215.342 Hexane Extraction Corn Oil Processing

The owner or operator of a hexane extraction corn oil source, which would emit volatile organic material in excess of 100 tons per year in the absence of control equipment or enforceable operating permit limitation, shall not cause or allow emissions to exceed more than 2.2 gals of volatile organic material per ton of raw corn germ processed.

(Source: Added at 8 Ill. Reg. 13254, effective July 12, 1984)

Section 215.344 Recordkeeping For Vegetable Oil Processes

a) The owner or operator of sources subject to Section 215.340 and 215.342 shall maintain daily records of solvent storage inventory, and conventional and specialty soybean crush or raw corn germ. Each day the total decrease in solvent storage inventory, and total conventional and specialty soybean crush or raw corn germ for the previous 180 days shall be calculated.

b) The Agency shall have access to records required under this Section upon reasonable notice.

(Source: Added at 8 Ill. Reg. 13254, effective July 12, 1984)

Section 215.345 Compliance Determination

a) Each day, the owner or operator of sources subject to Section 215.340 shall calculate the sum of:

1) Total conventional soybean crush for the previous 180 days, in pounds, multiplied by 0.0026, plus

2) Total specialty soybean crush for the previous 180 days, in pounds, multiplied by 0.0052.

b) Each day, the owner or operator of sources subject to Section 215.342 shall calculate the sum of the total raw corn germ processed for the previous 180 days, in tons multiplied by 2.2.

c) If such sum is less than the total decrease in solvent storage inventory over the previous 180 days, then the provisions of Section 215.340 or 215.342, whichever is applicable, shall be deemed to have been exceeded.

(Source: Added at 8 Ill. Reg. 13254, effective July 12, 1984)

Section 215.346 Compliance Dates and Geographical Areas

a) Except as otherwise stated in subsection (b), every owner or operator of an emission source subject to Sections 215.340 through 215.345 shall comply with the standards and limitations of those Sections by December 31, 1985.

b) If an emission source is not located in one of the counties listed below, the owner or operator of the emission source shall comply with the requirements of Sections 215.340 through 215.345 no later than December 31, 1987:

Bond	Madison
Clinton	McHenry
Cook	Monroe
DeKalb	Montgomery
DuPage	Morgan
Franklin	Pope
Greene	Randolph
Jackson	Saline
Jersey	Sangamon
Johnson	St. Clair
Kane	Union
Kendall	Washington
Lake	Will
Macoupin	Williamson

(BOARD NOTE: The USEPA noted in its redesignation rulemaking, that it will publish a rulemaking notice on Williamson County's attainment status. (45 Fed. Reg. 21949, May 16, 1983) Should Williamson County be re-designated as attainment prior to December 31, 1984, it and the counties contiguous to it will be considered deleted from the above list.)

c) Notwithstanding subsection (b), if any county is redesignated as nonattainment by the USEPA at any time subsequent to the effective date of this Section, the owner or operator of an emission source located in that county or any county contiguous to that county who would otherwise by subject to the compliance date in subsection (b) shall comply with the requirements of Sections 215.340 through 215.345 within one year from the date of redesignation but in no case later than December 31, 1987.

(Source: Added at 8 Ill. Reg. 13254, effective July 12, 1984)

PART 216
CARBON MONOXIDE EMISSIONS

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216.381	Cupolas
216.382	Exception, General Motor's Ferrous Foundry in Vermilion County

Appendix A	Rule into Section Table
Appendix B	Section into Rule Table
Appendix C	Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, Ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 206: Carbon Monoxide Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 3 Ill. Reg. 47, p. 92, effective November 8, 1979; amended at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; codified at 7 Ill. Reg. 13607; amended in R87-18 at 12 Ill. Reg. 20774, effective December 6, 1988; amended in R90-23 at 16 Ill. Reg. 18075, effective November 13, 1992.

PART 216
CARBON MONOXIDE EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section 216.100 Scope and Organization

a) This Part contains standards and limitations for carbon monoxide emissions from stationary sources.

b) Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.

c) Notwithstanding the provisions of this Part, the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.

d) This Part includes Subparts arranged as follows:

1) Subpart A: General Provisions;

2) Subparts B-J: Fuel Combustion Sources and Incinerators;

3) Subparts K-M: Reserved for Emission Process Sources;

4) Subparts N-End: Industry and Site-specific rules.

e) Rules have been grouped for convenience of the public; the scope of each is determined by its language and history.

Section 216.101 Measurement Methods

Carbon Monoxide concentrations in an effluent stream shall be measured by the non-dispersive infrared method or by other methods approved by the Illinois Environmental Protection Agency (Agency) according to the provisions of 35 Ill. Adm. Code 201.

Section 216.102 Abbreviations and Conversion Factors

a) The following abbreviations are used in this Part:

Btu	British thermal unit (60 F)
CO	carbon monoxide
°C	degrees Centigrade
°F	degrees Fahrenheit

kg	kilograms
lbs	pounds
mmBtu/hr	million Btu per hour
MW	Megawatts; one million watts
ppm	parts per million

b) The following conversion factors have been used in this Part:

English	Metric
1.0 mmBtu/hr	0.293 MW
2.205 lbs	1 kg

Section 216.103 Definitions

The definitions contained in 35 Ill. Adm. Code 201 and 211 apply to this Part.

Section 216.104 Incorporations by Reference

The following materials are incorporated by reference: non-dispersive infrared method, 40 CFR 60, Appendix A, Method 10 (1982).

PART 216
CARBON MONOXIDE EMISSIONS
SUBPART B: FUEL COMBUSTION EMISSION SOURCES

Section 216.121 Fuel Combustion Emission Sources

No person shall cause or allow the emission of carbon monoxide (CO) into the atmosphere from any fuel combustion emission source with actual heat input greater than 2.9 MW (10 mmBtu/hr) to exceed 200 ppm, corrected to 50 percent excess air.

Section 216.122 Exception, Midwest Grain Products

The standard for carbon monoxide of Section 216.121 does not apply to emissions from the fluidized bed combustion boiler of Midwest Grain Products of Illinois, located in Pekin, Illinois, where the emission of carbon monoxide shall not exceed 700 parts per million, corrected to 50 percent excess air. Compliance shall be based upon a one-hour average.

(Source: Added at 12 Ill. Reg. 20774, effective December 6, 1988)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES
PART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

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217.101 Measurement Methods
217.102 Abbreviations and Units
217.103 Definitions
217.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section
217.121 New Emission Sources

SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

Section
217.141 Existing Emission Sources in Major Metropolitan Areas

SUBPART K: PROCESS EMISSION SOURCES

Section
217.301 Industrial Processes

SUBPART O: CHEMICAL MANUFACTURE

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217.381 Nitric Acid Manufacturing Processes

SUBPART T: CEMENT KILNS

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Appendix A Rule into Section Table
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Appendix D Non-Electrical Generating Units
Appendix E Large Non-Electrical Generating Units
Appendix F Allowances for Electrical Generating Units

Authority: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5].

Source: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R0-17 at 25 Ill. Reg.5914, effective April 17, 2001.

SUBPART A: GENERAL PROVISIONS

Section 217.100 Scope and Organization

a) This Part sets standards and limitations for emission of oxides of nitrogen from stationary sources.

b) Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.

c) Notwithstanding the provisions of this Part the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.

d) These rules have been grouped for convenience of the public; the scope of each is determined by its language and history.

(Source: Amended at 25 Ill. Reg. 108, effective December 26, 2000)

Section 217.101 Measurement Methods

Measurement of nitrogen oxides shall be according to:

a) The phenol disulfonic acid method, 40 CFR 60, Appendix A, Method 7 (1999);

b) Continuous emissions monitoring pursuant to 40 CFR 75 (1999); and

c) Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure), 40 CFR 60, Appendix A, Method 7E (1999).

(Source: Amended at 25 Ill. Reg. 108, effective December 26, 2000)

Section 217.102 Abbreviations and Units

a) The following abbreviations are used in this Part:

btu	British thermal unit (60°F)
EGU	Electrical Generating Unit
kg	kilogram
kg/MW-hr	kilograms per megawatt-hour, usually used as an hourly emission rate
lb	pound
NO_x	Nitrogen Oxides
lbs/mmbtu	pounds per million btu, usually used as an hourly emission rate
Mg	megagram or metric tonne
mmbtu	million British thermal units
mmbtu/hr	million British thermal units per hour
MWe	megawatt of electricity
MW	megawatt; one million watts

MW-hr	megawatt-hour
peoc	potential electrical output capacity
ppm	parts per million
ppmv	parts per million by volume
T	English ton

b) The following conversion factors have been used in this Part:

English	Metric
2.205 lb	1 kg
1 T	0.907 Mg
1 lb/T	0.500 kg/Mg
mmbtu/hr	0.293 MW
1 lb/mmbtu	1.548 kg/MW-hr

(Source: Amended at 25 Ill. Reg. 108, effective December 26, 2000)

Section 217.103 Definitions

The definitions contained in 35 Ill. Adm. Code 201 and 211 apply to this Part.

Section 217.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

a) The phenol disulfonic acid method, as published in 40 CFR 60, Appendix A, Method 7 (1999);

b) 40 CFR 96, subparts B, D, G, and H (1999);

c) 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55 (a) & (b), 96.56 and 96.57 (1999);

d) 40 CFR 72, 75 & 76 (1999);

e) Alternative Control Techniques Document---- NO_x Emissions from Cement Manufacturing, EPA-453/R-94-004, U. S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N. C. 27711, March 1994;

f) Section 11.6, Portland Cement Manufacturing, AP-42 Compilation of Air Emission Factors, Volume 1: Stationary Point and Area Sources, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N. C. 27711, revised January 1995;

g) 40 CFR 60.13 (1999); and

h) 40 CFR 60, Appendix A, Methods 7, 7A, 7C, 7D, and 7E (1999).

(Source: Amended at 25 Ill. Reg. 4597, effective March 15, 2001)

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section 217.121 New Emission Sources

No person shall cause or allow the emission of nitrogen oxides (NO_x) into the atmosphere in any one hour period from any new fuel combustion emission source with an actual heat input equal to or greater than 73.2 MW (250 mmbtu/hr) to exceed the following standards and limitations:

a) For gaseous fossil fuel firing, 0.310 kg/MW-hr (0.20 lbs/mmbtu) of actual heat input;

b) For liquid fossil fuel firing, 0.464 kg/MW-hr (0.30 lbs/mmbtu) of actual heat input;

c) For dual gaseous and liquid fossil fuel firing, 0.464 kg/MW-hr (0.30 lbs/mmbtu) of actual heat input;

d) For solid fossil fuel firing, 1.08 kg/MW-hr (0.7 lbs./mmbtu) of actual heat input;

e) For fuel combustion emission sources burning simultaneously any combination of solid, liquid and gaseous fossil fuels, an allowable emission rate shall be determined by the following equation:

$$E = (AG + BL + CS)\ Q$$

Where:

E = Allowable nitrogen oxides emissions rate

Q = Actual heat input derived from all fossil fuels

G = Percent of actual heat input derived from gaseous fossil fuel

L = Percent of actual heat input derived from liquid fossil fuel

S = Percent of actual heat input derived from solid fossil fuel

$G + L + S = 100.0$

and, where A, B, C and appropriate metric and English units are determined from the following table:

	Metric	English
E	kg/hr	lbs/hr
Q	MW	mmbtu/hr
A	0.023	0.003
B	0.023	0.003
C	0.053	0.007

10.4 Attachment 4 - State Construction and Operating Permits

The following permits and attachments contain applicable requirements to this source and are an integral part of this permit. The permit conditions contained in these attachments should be thoroughly reviewed and complied with, including all emission limitations, monitoring, recordkeeping, and reporting requirements. **In the event that there are conflicting provisions in the incorporated State Construction and Operating Permits, the most recently issued permit conditions shall apply.** Also if any requirements of these permits and attachments that conflict with those requirements found in Sections 3 through 9 are superseded by those requirements found in Sections 3 through 9.

217/782-2113

"REVISED"

APPLICATION FOR OPERATING PERMIT RENEWAL

August 1, 1994

ADM Quincy
Attn: Ken Doellman
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 74100041
I.D. No.: 001815AAF
Operation of: Revision to System 2 9
Location: ADM Quincy
1900 Gardner Expressway
Quincy, Illinois 62301

The above referenced operating permit will expire on January 10, 1995. The Illinois EPA recommends that you apply for a renewal of this operating permit at least ninety (90) days prior to its expiration.

If your operation is unchanged, you may request to renew your permit by signing in the space provided, keeping one copy for your records, and returning this correspondence to the Illinois EPA.

If your operation:

1) has been modified; or
2) has changed from the description filed with the Illinois EPA; or
3) includes emission units or control equipment different from that which is given above;

then to renew your operating permit you must complete the appropriate forms (see enclosed "Request for Permit Forms" APC-209) and apply for a renewal with an APC 200 form.

If the operation has been permanently discontinued, please attach a letter to the Illinois EPA withdrawing this permit. If there has been a change of address, please indicate this by correcting the above information. If there has been a change of ownership, proper documentation must be submitted to allow transfer of permits. If the operation has been included in another permit, please provide the permit number of the new permit(s) and a letter of explanation.

I certify that the original application information remains true, correct, and current and that I am authorized to execute this application for permit renewal.

Signature Date

Printed Name and Title of Signer

ID NUMBER: 001815AAF
APPLICATION NO.: 74100041

----------FOR ILLINOIS EPA USE ONLY----------

Permit Expiration Date: November 30, 1999

Permit is granted to operate the above-referenced equipment subject to standard conditions attached hereto and any special conditions of the previously granted operating permit.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:TJM:jar

****

Emission Units and controls covered by this permit:

Equip. Type	Inventory Number	No. Ident Units	Name
Source	0023	01	West Elevator Gallery Belt System
Source	0024	01	System 2A Straight Railcar Unloader
Source	0025	02	System 3A H. C. Column Type Grain Dryer
Source	0026	01	H. C. Scalperator & 2 Howe Cleaners System 7A-1
Source	0027	01	System 7A-2 2-Rotex Dehullers
Source	0028	01	System 7-B Railcar Meal Loadout System

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217/782-2113

"REVISED"

APPLICATION FOR OPERATING PERMIT RENEWAL

August 1, 1994

ADM Quincy
Attn: Ken Doellman
1900 Gardner Expressway
Quincy, Illinois 62301

Application No.: 75080046
I.D. No.: 001815AAF
Operation of: Barge Loading System #2
Location: ADM Quincy
1900 Gardner Expressway
Quincy, Illinois 62301

The above referenced operating permit will expire on January 10, 1995. The Illinois EPA recommends that you apply for a renewal of this operating permit at least ninety (90) days prior to its expiration.

If your operation is unchanged, you may request to renew your permit by signing in the space provided, keeping one copy for your records, and returning this correspondence to the Illinois EPA.

If your operation:

1) has been modified; or
2) has changed from the description filed with the Illinois EPA; or
3) includes emission units or control equipment different from that which is given above;

then to renew your operating permit you must complete the appropriate forms (see enclosed "Request for Permit Forms" APC-209) and apply for a renewal with an APC 200 form.

If the operation has been permanently discontinued, please attach a letter to the Illinois EPA withdrawing this permit. If there has been a change of address, please indicate this by correcting the above information. If there has been a change of ownership, proper documentation must be submitted to allow transfer of permits. If the operation has been included in another permit, please provide the permit number of the new permit(s) and a letter of explanation.

I certify that the original application information remains true, correct, and current and that I am authorized to execute this application for permit renewal.

Signature Date

Printed Name and Title of Signer

ID NUMBER: 001815AAF
APPLICATION NO.: 75080046

----------FOR ILLINOIS EPA USE ONLY----------

Permit Expiration Date: November 30, 1999

Permit is granted to operate the above-referenced equipment subject to standard conditions attached hereto and any special conditions of the previously granted operating permit.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:TJM:jar

****

Emission Units and controls covered by this permit:

Equip. Type	Inventory Number	No. Ident Units	Name
Source	0029	01	Truck Dump Pit on Barge Loading System #2
Source	0030	01	Barge Loading System #2, Loadout & Transfer

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217/782-2113

"REVISED"

APPLICATION FOR OPERATING PERMIT RENEWAL

August 1, 1994

ADM Quincy
Attn: Ken Doellman
1900 Gardner Expressway
Quincy, Illinois 62301

Application No.: 75080047
I.D. No.: 001815AAF
Operation of: Barge Loading System #1
Location: ADM Quincy
1900 Gardner Expressway
Quincy, Illinois 62301

The above referenced operating permit will expire on January 10, 1995. The Illinois EPA recommends that you apply for a renewal of this operating permit at least ninety (90) days prior to its expiration.

If your operation is unchanged, you may request to renew your permit by signing in the space provided, keeping one copy for your records, and returning this correspondence to the Illinois EPA.

If your operation:

1) has been modified; or
2) has changed from the description filed with the Illinois EPA; or
3) includes emission units or control equipment different from that which is given above;

then to renew your operating permit you must complete the appropriate forms (see enclosed "Request for Permit Forms" APC-209) and apply for a renewal with an APC 200 form.

If the operation has been permanently discontinued, please attach a letter to the Illinois EPA withdrawing this permit. If there has been a change of address, please indicate this by correcting the above information. If there has been a change of ownership, proper documentation must be submitted to allow transfer of permits. If the operation has been included in another permit, please provide the permit number of the new permit(s) and a letter of explanation.

I certify that the original application information remains true, correct, and current and that I am authorized to execute this application for permit renewal.

Signature Date

Printed Name and Title of Signer

ID NUMBER: 001815AAF
APPLICATION NO.: 75080047

----------FOR ILLINOIS EPA USE ONLY----------

Permit Expiration Date: November 30, 1999

Permit is granted to operate the above-referenced equipment subject to standard conditions attached hereto and any special conditions of the previously granted operating permit.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:TJM:jar

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Emission Units and controls covered by this permit:

Equip. Type	Inventory Number	No. Ident Units	Name
Source	0031	01	Barge Loading System #1, Truck Dump Pit
Source	0032	01	Barge Loading System #1, Transfer and Loadout

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217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

Quincy Soybean Co.
Attn: Rod Frazier
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 91110009
Applicant's Designation: System 15
Subject: Lecithin Plant
Date Issued: November 12, 1991

I.D. No.: 001815AAF
Date Received: November 5, 1991

Operating Permit Expiration Date: November 6, 1996

Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of storage silo with a baghouse, surge tank with a baghouse, lecithin dehydration and oil dryer as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Operation of the emission source(s) included in this permit shall not begin until all associated air pollution control equipment has been constructed and is operational.

2. Emissions and operation of equipment shall not exceed the following limits:

Item of Equipment	Operating Hours (Hour/Year)	Particulate Matter Emissions Lb/Hour	Ton/Yr
Storage Silo	2496	0.17	0.2
Surge Tank	1750	0.08	0.07

These limits are based on the information provided in the permit application. Compliance with annual limits shall be determined from a running total of 12 months of data.

3. This permit is issued based on negligible emissions of volatile organic material from lecithin dehydration and oil dryer. For this purpose, emissions shall not exceed nominal emission rates of 0.1 lb/hour and 0.44 ton/year.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:DMH:rd3450q/4-5

cc: Region 2

217/782-2113

OPERATING PERMIT

PERMITTEE

Quincy Soybean Company
Attn: Earle Chamness
1900 Gardner Expwy.
Quincy, Illinois 62306

Application No.: 80110006 I.D. No.: 001815AAF
Applicant's Designation: System #11 Date Received: September 16, 1985
Subject: System #11 No. 1, 2 &3 Gas/Oil Boilers
Date Issued: October 15, 1985 Expiration Date: October 8, 1990
Location: 1900 Gardner Expwy., Quincy, Illinois

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of No. 1, 2 and 3 gas/oil boilers as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. At the above location, the permittee shall not keep, store, or utilize:

   (i) distillate fuel oil (Grades No. 1 and 2) with a sulfur content greater than the large of the following two values:

      (1) 0.28 weight percent, or
      (2) the wt. percent given by the formula: Maximum wt. percent sulfur = (0.000015) x (Gross heating value of oil, BTU/lb).

2. Organic liquid by-products or waste materials shall not be used in these fuel combustion emission sources without written approval from this Agency.

3. The Agency shall be allowed to sample all fuels stored at the above location.

It should be noted that gas boilers No. 1 and 2 have been removed from application 72110657 and are not included in this permit.

Bharat Mathur, P.E.
Manager, Permit Section
Division of Air Pollution Control

BM:BMH:rmi/2253E/37-38

cc: Region 2

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT

Application No.: 81090046
Applicant's Designation: System 9
Subject: System 9 (C-Silos)
Date Issued: October 6, 1981

I.D. No.: 001815AAF
Date Received: September 23, 1981

Operation Permit Expiration
Date: September 30, 1986

Location: 1900 Gardner Expressway, Quincy, Illinois

PERMITTEE

Quincy Soybean Co.
1900 Gardner Expressway, Post Office Box 629
Quincy, Illinois 62306

Attention: Earle Chamness

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of six concrete silos, two legs, eight drag conveyors, a truck dump it, a truck loadout, and a belt conveyor extension which will connect to the existing rail crossover belt as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Operation of the emission source(s) included in this permit shall not begin until all associated air pollution control equipment has been constructed and is operational.

2. Emissions of particulate matter (TSP) shall not exceed 7.17 tons/year. This limit is based on emission rates calculated using a standard procedure and the maximum annual throughput (4,548,650 bushel/year) indicated in the permit application.

Bharat Mathur, P.E.
Manager, Permit Section
Division of Air Pollution Control

BM:PHB:bjm/2552C/1

cc: Region 3

217/782-2113

OPERATING PERMIT

PERMITTEE

Quincy Soybean Company
Attn: Rodney L. Frazier, Vice President
1900 Gardener Expressway, P.O. Box 329
Quincy, IL 62306

Application No.: 83050033 I.D. No.: 001815AAF
Applicant's Designation: SYSTEM-12 Date Received: August 4, 1994
Subject: System 12-Coal Fired Boilers
Date Issued: November 1, 1994 Expiration Date: December 5, 1997
Location: 1900 Gardener Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of two coal-fired boilers with a bag filter, a coal crusher with a bag filter, coal handling and storage systems with a bag filter, and an ash silo with a bag filter as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. The emission rates from the boilers shall not exceed the following limits:

   a. Sulfur Dioxide 1.8 lbs/mBtu

   b. Nitrogen Oxides 0.61 lbs/mBtu

   c. Carbon Monoxide - The boilers shall be equipped with continuous oxygen monitors and shall be operated so as to minimize CO emissions and optimize combustion efficiency while meeting the above emission limit for NO_x. However, in no event shall CO emissions exceed 200 ppm corrected to 50% excess air.

   d. Emissions of particulate matter from the boilers are limited to 0.075 lbs/mBtu.

   e. Emissions of particulate matter from the coal storage silos, coal crushers, and ash silo shall be controlled by bagfilters designed to emit no more than .03 grains/dry standard cubic foot.

2. Operation in excess of the applicable emission standards during startup, malfunction and breakdown is allowed.

3. The permittee shall maintain and operate a continuous opacity monitoring system on the above-referenced equipment. On or before the 30th day of each calendar quarter, the permittee shall submit to the Agency a report for the last preceding calendar quarter of any and all opacity measurements which exceed 30 percent, averaged over a six

minute period. These "excess opacity" reports shall provide, for each such incident, the percent opacity measured as well as the date and span of such incident. These reports shall also specify for each incident whether it occurred during startup, shut-down, or malfunction. If a malfunction is indicated in the report, all corrective actions taken, if any, shall be reported.

The reports shall also specify, for each calendar quarter, the date of those periods during which the continuous monitoring system was not in operation.

4. The permittee shall submit quarterly reports of representative composite coal analyses to the Agency. The reports should provide moisture, ash, sulfur and heat contents for each sample. ASTM standards are to be used in sample collection, preparation and analysis. One sample should be collected and analyzed for each barge load or equivalent quantity of delivered coal.

5. The Permittee shall notify the Agency's regional office by telephone as soon as possible during normal working hours upon the occurrence of excess emissions due to malfunctions, or breakdowns. The Permittee shall comply with all reasonable and safe directives of the regional office regarding such malfunctions and breakdowns. Within five (5) working days of such occurrence the Permittee shall give a written follow-up notice to the Agency's regional office providing an explanation of the occurrence, the length of time during which operation continued under such conditions, measures taken by the Permittee to minimize excess emissions and correct deficiencies, and when normal operation resumed.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:SRS:mab/500M/sp/97-98

cc: Region 2

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

Quincy Soybean Co.
Attn: Rooney L. Fraizer, V.P.
1900 Gardner Expressway
Quincy, IL 62301

Application No.: 92030073
Applicant's Designation: SYSTEM-14
Subject: System-14 Conveyor Belt to the River
Date Issued: April 20, 1992
Location: 1900 Gardner Expressway, Quincy

I.D. No.: 001815AAF
Date Received: April 9, 1992
Operating Permit Expiration Date: April 16, 1997

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of a barge loading/unloading terminal with an enclosed conveyor system as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Operation of the emission source(s) included in this permit shall not begin until all associated air pollution control equipment has been constructed and is operational.

2. Emissions and operation of the barge loading, unloading, and conveying shall not exceed 0.5 lb/hr (2.2 T/yr) of particulate matter. These limits are based on the information provided in the permit application and maximum operating hours (8736 hr/yr). Compliance with annual limits shall be determined from a running total of 12 months of data.

3. No person shall cause or allow any visible emissions of fugitive particulate matter from any process, including any material handling or storage activity beyond the property line of the emission source, pursuant to 35 Ill. Adm. Code 212.301.

If you have any questions on this, please call Michael Costello at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:MSC:jmm/sp/112N/67

cc: Region 2

217/782-2113

OPERATING PERMIT - REVISED

PERMITTEE

Quincy Soybean Company
Attn: Kenko
1900 Gardner Expressway
Quincy, IL 62306

Application No.: 74030012
Applicant's Designation: SYSTM 8&8A
Subject: West Soybean Processing Plant
Date Issued: March 15, 1994
Location: 1900 Gardner Expressway, Quincy

I.D. No.: 001815AAF
Date Received: February 8, 1994
Expiration Date: June 23, 1997

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of dehulling, cracking mills, conditioning, hexane recovery, meal drying, pulverizers, gravity tables, meal dryer, mean storage tanks, toasting, 2 collect coolers, fluid bed dryer, soybean dehulling, flaking rolls, aspiration system off expanders, cyclones, baghouses, vapor contactor, water tube condenser, oil adsorber, scrubbers and mill feed pelleting with 3 cyclones as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1a. Emissions and operation of equipment shall not exceed the following limits:

Item of Equipment	Operating Hours hours/year	Hourly Particulate Matter Emissions lb/hour	Annual Particulate Matter Emissions tons/year
Mean storage tanks and associated equipment	8760	0.54	2.37
No. 1 collet cooler	8760	1.92	8.4
No. 2 collet cooler	8760	1.92	8.4
Aspiration system off expanders	8760	1.25	5.4

The emissions for the flake roll operation represent an increase of 1.06 tons/year of particulate matter, due to the removal of the scrubber. The emissions for soybean dehulling represent a decrease of 3.94 tons/year of particulate matter due to the addition of a scrubber. Compliance with annual limits shall be determined from a running total of 12 months of data.

b. Emissions of particulate matter of less than 10 microns in diameter (PM_{10}) from the fluid bed dryer dehulling system, total, shall not exceed 3.41 lb/hr and 14.95 ton/yr of PM_{10}. These limits represent the levels at which this project, by itself, would not represent a significant increase in emissions of PM_{10}.

c. This permit is issued based on the changes to existing equipment (reassignment of systems V-8.01, V-8.01A1, and V-8.01A2) not resulting in any increase in emissions of particulate matter.

2. Emissions and operation of equipment shall not exceed the following limits:

Item of Equipment	Operating Hours hours/year	Hourly Throughput lbs/hour	Particulate Matter Emissions lb/hour	ton/year
Millfeed pelleting	7560	50000	0.4	1.5

These limits are based on information provided in the permit application. Compliance with annual limits shall be determined from a running total of 12 months of data.

3a. The Permittee shall keep records of the amount of millfeed pelletized daily in order that compliance with the limits in Condition No. 2 may be verified.

b. These records shall be kept for two years and be available for inspection by the Agency upon request.

It should be noted that the Agency's review of the Compilation of Air Pollutant Emission Factors, Supplement A, Appendix C.1., indicates that approximately 50% of the particulate matter emissions from grain handling operations are PM_{10}. Accordingly, the Agency estimates that the increase in PM_{10} resulting from this project is 12.5 tons/year. Accordingly this project does not constitute a major modification subject to the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21, for PM_{10}.

It should also be noted that 5901this permit has been revised to include operation of the equipment described in construction permit 94020014.

If you have any questions on this, please call Don Hanko at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:DMH:jmm/sp/85Q/68-69

cc: Region 2

217/782-2113

Permit Expiration Date: April 8, 1985

Application No.: 74100041
I.D. No.: 001815AAF
Received: March 10, 1980
Operation of: System 2-9, West Gallery Filter, 2H Rail Receiving Unit, 3A Grain Dryer with Day Vac, 7A Addition to Preparation Plant, 7B Meal Loadout System
Location: 1900 South Front Street, Quincy, Illinois

July 3, 1980

Quincy Soybean Co.
1900 South Front Street
Quincy, Illinois 62301

Attention: Earle Chamness

Gentlemen:

Permit is hereby granted to operate the above-referenced equipment.

This permit is subject to the following conditions:

1. Standard conditions attached hereto and incorporated herein by reference.

2. The following special conditions:

   This permit has been revised to include operation of the equipment described in construction permit C8003013.

This letter has been retyped to correct the Company identification.

If you have any questions concerning this permit, pleas contact William L. Miller at 217/782-2113.

Very truly yours,

Bharat Mathur, P.E.
Manager, Permit Section
Division of Air Pollution Control

BM:WLM:jab/1436B/13

217/782-2113

Permit Expiration Date: March 20, 1985

Application No.: 05080046
I.D. No.: 001815AAF BG LOAD #2
Received: February 19, 1980
Operation of: Barge Loading System #2
Location: 1900 South Front Street, Quincy, Illinois

March 25, 1980

Quincy Soybean Co.
1900 South Front Street
Quincy, Illinois 62301

Attention: Earle Chamness

Gentlemen:

Permit is hereby granted to operate the above-referenced equipment.

This permit is subject to the following conditions:

1. Standard conditions attached hereto and incorporated herein by reference.

Very truly yours,

Bharat Mathur, P.E.
Manager, Permit Section
Division of Air Pollution Control

BM:JOA:dw/1192B-20

217/782-2113

Permit Expiration Date: March 20, 1985

Application No.: 05080047
I.D. No.: 001815AAF BG LOAD #1
Received: February 19, 1980
Operation of: Barge Loading System #1
Location: 1900 South Front Street, Quincy, Illinois

March 25, 1980

Quincy Soybean Co.
1900 South Front Street
Quincy, Illinois 62301

Attention: Earle Chamness

Gentlemen:

Permit is hereby granted to operate the above-referenced equipment.

This permit is subject to the following conditions:

1. Standard conditions attached hereto and incorporated herein by reference.

Very truly yours,

Bharat Mathur, P.E.
Manager, Permit Section
Division of Air Pollution Control

BM:JOA:dw/1192B-19

217/782-2113

Permit Expiration Date: June 17, 1985

Application No.: 80060013
I.D. No.: 001815AAF SYSTEM 4 & SYSTEM 4A
Received: June 9, 1980
Operation of: Day-Vac Dryer Filter System
Location: 1900 South Front Street, Quincy, Illinois

July 1, 1980

Quincy Soybean Co.
1900 South Front Street
Quincy, Illinois 62301

Attention: Earle Chamness

Gentlemen:

Permit is hereby granted to operate the above-referenced equipment.

This permit is subject to the following conditions:

1. Standard conditions attached hereto and incorporated herein by reference.

   Please note:

   This permit has been revised to incorporate operating permit source 007, 76010391, #4 Shanzer Dryer.

This letter has been retyped to correct the Company identification.

If you have any questions concerning this permit, please contact Don Hanko at 217/782-2113.

Bharat Mathur, P.E.
Manager, Permit Section
Division of Air Pollution Control

BM:DMH:dw/2473B-32

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

Archer Daniels Midland Company
Attn: Michelle L. Bublitz
4666 Faries Parkway
Decatur, Illinois 62526

Application No.: 01040059
Applicant's Designation: ALTERNATE FUEL
Subject: Vegetable Oil Fuel
Date Issued: July 13, 2001

I.D. No.: 001815AAF
Date Received: May 20, 2001

Operating Permit Expiration Date: July 13, 2006

Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment for the burning of vegetable oil and/or vegetable oil derivatives as an alternate fuel source in the existing gas/oil boilers 1,2 and 3, as described in the above referenced application. This Permit is subject to standard conditions attached hereto and the following special conditions:

1. Description

   Archer Daniels Midland, Quincy facility, has proposed to burn vegetable oil and the derivatives there of in their existing gas/oil boilers numbers 1, 2 and 3. ADM has conducted pilot testing of worst case scenario vegetable oils and documented the results showing less than significant increases in criteria pollutants.

2. List of Emission Units and Pollution Control Equipment

   Boilers #1, #2, and #3

3. Applicability Provisions and Applicable Regulations

   a. An "affected Boiler" for the purpose of these unit-specific conditions, is each piece of equipment as described in Conditions 1 and 2 unless otherwise stated in the following conditions as unit specific.

   b. The affected boilers are subject to 35 IAC 212.206, which provides that no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period to exceed 0.15 kg of particulate matter per MW-hr of actual heat input from any fuel combustion emission unit using liquid fuel exclusively (0.10 lbs/mmBtu)

   c. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any existing fuel combustion emission source, burning liquid fuel exclusively to

exceed 0.46 kg of sulfur dioxide per MW-hr of actual heat input when distillate fuel oil is burned (0.3 lbs/mmBtu) [35 IAC 214.161(b)].

d. No person shall cause or allow the emission of carbon monoxide (CO) into the atmosphere from any furl combustion emission source with actual heat input greater than 2.9 MW (10 mmBtu/hr) to exceed 200 ppm, corrected to 50 percent excess air [35 IAC 216.121].

4. Non-Applicability of Regulations of Concern

N/A

5. Operational and Production Limits and Work Practices

The affected boilers shall not exceed the following material throughput limits:

Affected Equipment	Material	Throughput (Gallons/Year)
Boilers #1, #2, and #3	Vegetable Oil	3,372,580

6. Emission Limitations

a. Emissions from the affected boilers from vegetable oil combustion shall not exceed the following limits:

Emissions from Vegetable Oil Combustion	Boilers #1, #2 and #3
PM Tons/Month	1.08
PM Tons/Year	10.8
CO Tons/Month	0.1
CO Tons/Year	1.02
NO_x Tons/Month	3.85
NO_x Tons/Year	38.5
SO_2 Tons/Month	0.02
SO_2 Tons/Year	0.22

These limits are based on the usage limits in Condition 5 and emission factors as listed in condition 12.

b. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total).

7. Testing Requirements

N/A

8. Monitoring Requirements

N/A

9. Recordkeeping Requirements

The Permittee shall maintain records of the following items for each affected boiler to demonstrate compliance with Conditions 3, 5, and 6, pursuant to Section 39.5(7)(b) of the Act:

a. Material Throughput gallons/month and gallons/year; and

b. Emissions of: PM, SO_2, NO_x, and CO in tons/month and tons/year.

10. Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of noncompliance of an affected boiler with the permit requirements, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

11. Operational Flexibility/Anticipated Operating Scenarios

N/A

12. Compliance Procedures

Compliance with the emission limits shall be based on the recordkeeping requirements in Condition 9 and the emission factors and formulas listed below:

To determine compliance with Condition 6, emissions from each affected boiler shall be calculated based on the following numbers and equations:

Average Btu Value of Vegetable Oil = 16,915 Btu/lb
Average Fuel Density = 7.6 lb/gal

Emission Factors:

PM = 0.05 lb/mmBtu
SO_2 = 0.001 lb/mmBtu
NO_x = 0.1776 lb/mmBtu
CO = 0.0047 lb/mmBtu

Annual Emissions = Gal/Year * Lb/Gal * Btu/Lb * Lb/mmBtu * 1 Ton/2,000 Lb
Monthly Emissions = Gal/Month * Lb/Gal * Btu/Lb * Lb/mmBtu * 1 Ton/2,000 Lb

If you have any questions on this, please call Kevin Smith at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KLS:jar

cc: Region 2

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT
NESHAP

PERMITTEE

Archer Daniels Midland Company
Attn: Michelle L. Bublitz
4666 Faries Parkway
Decatur, Illinois 62526

Application No.: 01040069 I.D. No.: 001815AAF
Applicant's Designation: DTDC REPLACEMENT Date Received: August 16, 2001
Subject: DTDC
Date Issued: November 15, 2001 Expiration Date: November 15, 2006
Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of a replacement DTDC (desolventizer-toaster, dryer, cooler) as described in the above referenced application. This Permit is subject to standard conditions attached hereto and the following special conditions:

1. Description

   Archer Daniels Midland, Quincy facility, has proposed to replace their existing desolventizer-toaster, meal dryers and meal coolers at the west plant with a new DTDC. This modification is being made in order for ADM to meet the solvent loss factor established in 40 CFR 63 Subpart GGGG that becomes effective in early 2004. Information supplied by the manufacturer of the process unit indicates that a decrease in emissions should be realized from this modification, also it demonstrates that the capacity of the new DTDC is less than or equal to the existing system therefore no debottlenecking will occur.

2. List of Emission Units and Pollution Control Equipment

   DTDC Controlled by 4 Cyclones

3. Applicable Provisions and Regulations

   a. An "affected DTDC" for the purpose of these unit-specific conditions, is each piece of equipment as described in Condition 2 unless otherwise stated in the following conditions.

   b. The affected DTDC is subject to 35 IAC 212.321(a), which provides that no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the

allowable emission rates specified in subsection (c) of 35 IAC 212.321, [35 IAC 212.321(a)].

i. The emissions of particulate matter into the atmosphere in any one hour period from the affected emission units shall not exceed the allowable emission rates specified in the following equation

$$E = A(P)^B$$

Where:

P = Process weight rate
E = Allowable emission rate

1. For process weight rates up to 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.214	2.54
B	0.534	0.534

2. For process weight rates in excess of 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	11.42	24.8
B	0.16	0.16

Where:

P = Process weight rate in metric or English tons per hour, and

E = Allowable emission rate in kilograms or pounds per hour. [35 IAC 212.321]

c. This facility including the affected DTDC is subject to 40 CFR 63 Subpart GGGG, vegetable oil MACT standard.

4. Non-Applicability of Regulations of Concern

The Permittee has addressed the applicability and compliance of 40 CFR 52.21, PSD. The limits and other requirements of this permit ensure that the modifications addressed in this permit do not constitute a major modification as explained in more detail in Attachment 1.

5. Operational and Production Limits and Work Practices

The affected DTDC shall not exceed historic allowable throughput rates for the equipment which the affected DTDC replaces, as indicated in the above mentioned permit application. The Permittee shall maintain records as indicated in special condition 9 and any other data that may be necessary to demonstrate compliance with this limit.

6. Emission Limitations

a. Emissions from the affected DTDC shall not exceed the following limits:

DTDC	Solvent Extraction Emissions	Emissions from Meal Drying and Cooing	
Pollutant	VOM	PM	PM_{10}
Tons/Month	----	2.6	1.7
Tons/Year	616.5	26.6	17.3

VOM limits are based on 0.2 gallon/ton solvent loss rate (MACT standard), PM emissions are based on manufacturers recommended emission rate with a 15% safety factor.

b. Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total).

7. Testing Requirements

N/A

8. Monitoring Requirements

N/A

9. Recordkeeping Requirements

The Permittee shall maintain records of the following items for the affected DTDC to demonstrate compliance with Conditions 5 and 6, pursuant to Section 39.5(7)(b) of the Act:

a. Process weight rate as a percentage of historic value as indicated in permit application.

b. Emissions of: PM, PM_{10} and VOM in tons/month and tons/year.

c. Solvent loss rate, gal/ton, to be calculated on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total).

10. Reporting Requirements

a. The Permittee shall promptly notify the Illinois EPA, Compliance Section of noncompliance of an affected DTDC with the permit

requirements, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.

b. The Permittee shall notify the Illinois EPA, Compliance Section upon initial startup of the affected DTDC.

11. Operational Flexibility/Anticipated Operating Scenarios

The Permittee is allowed a period of 180 days form initial startup of the DTDC for a shakedown period after which they must commence recording production rate and solvent loss rate for the process.

12. Compliance Procedures

Compliance with the emission limits shall be based on the recordkeeping requirements in Condition 9 and the data in special condition 5.

If you have any questions on this, please call Kevin Smith at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KJL:jar

cc: Region 2

Attachment 1

PSD Applicability

Table I – Past Actual Emissions (97-98 Average)
(Tons/Year)

VOM	PM	PM_{10}
686.5	38.3	19.1

Table II – Future Potential Emissions (Tons/Year)

VOM	PM	PM_{10}
602.3	26.6	17.3

Table III – Net Emissions Change From This Project (Tons/Year)

Table	VOM	PM	PM_{10}
I	686.5	38.3	19.1
II	616.5	26.6	17.3
Total	- 70.0	- 11.7	- 1.8

KJL:jar

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

Archer Daniels Midland Company (ADM)
Attn: Michelle Bublitz
4666 Faries Parkway
Decatur, Illinois 62526

Application No.: 02030045
Applicant's Designation: FIRE PUMPS
Subject: Two Diesel Fired Fire Pumps
Date Issued: June 19, 2002

I.D. No.: 001815AAF
Date Received: March 15, 2002

Operating Permit Expiration Date: June 19, 2007

Location: ADM - Quincy, 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of two diesel fired fire pumps as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Operation of the emission source(s) included in this permit shall not begin until all associated air pollution control equipment has been constructed and is operational.

2. Emissions and operation of each diesel fired fire pump shall not exceed the following limits:

	Hours/Year	Lb/Hour	Tons/Year
NO_x	520	7.49	1.95
CO	520	3.55	0.92
PM	520	0.62	0.16
VOC	520	0.25	0.07
SO_2	520	0.15	0.04

These limits are based on the manufacturer's emission data and operating hours. Compliance with annual limits shall be determined from a running total of 12 months of data.

3a. The Permittee shall maintain records of the following items for fired pumps:

i. Diesel fuel usage (gallons/month and gallons/year);

ii. Operating hours (hours/month and hours/year); and

iii. Monthly emissions form fire pump with supporting emission calculation.

b. These records shall be retained for at least three years and shall be available for inspection and copying by the Illinois EPA upon request.

If you have any questions on this, please call Minesh Patel at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:MVP:psj

cc: Region 1

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT
NESHAP SOURCE

PERMITTEE

Archer Daniels Midland Company
Attn: Michelle L. Bublitz
4666 Faries Parkway
Decatur, Illinois 62526

Application No.: 02060046 I.D. No.: 001815AAF
Applicant's Designation: MACT IMPROVEMENTS Date Received: June 13, 2002
Subject: Emission Reduction Program - East Plant
Date Issued: June 17, 2002 Expiration Date: June 17, 2007
Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of changes to equipment in the East soybean extraction plant, including replacement of the first-effect evaporator and its associated process condenser and addition of vacuum to the second-effect evaporator system, which equipment is controlled by the existing mineral oil scrubber system, as described in the above referenced application. This Permit is subject to standard conditions attached hereto and the following special conditions:

1a. i. This permit authorizes changes to subsidiary equipment in the East soybean extraction plant undertaken for the purpose of reducing losses of volatile organic material (VOM) from the plant to facilitate compliance with the solvent loss factor in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Solvent Extraction for Vegetable Oil Production, 40 CFR Part 63 Subpart GGGG, which becomes effective in early 2004.

ii. This permit does not authorize operation of the plant without the control devices that are currently in place while these changes are made to equipment.

b. This permit does not authorize any increase in operation or emissions of the plant above its current capacity or above limitations set in other permits for the plant (Refer to Joint Construction/Operating Permit 01040069).

2. This permit is issued based on the changes to the plant not constituting a major modification subject to the federal rules for Prevention of Significant Deterioration of Air Quality (PSD), 40 CFR 52.21. Accompanying its application, in a letter dated April 23, 2002, the Permittee addressed the applicability of PSD to these changes explaining that these changes are designed to reduce emissions of the plant from current levels and would not have any practical effect on the capacity of the plant, which is physically constrained by other components of the plant such as the extractor.

3. The Permittee shall maintain records of the actual solvent loss, in gallon per ton of soybeans processed, of the East soybean extraction plant on a monthly basis determined from the sum of the data for the current month plus the preceding 11 months (running 12 month total).

4. Pursuant to this permit, the Permittee may undertake other changes to equipment in the East soybean processing plant for which a permit would otherwise be required by 35 IAC Part 201, provided that:

   i. Any vents from the equipment exhaust to the atmosphere through the mineral oil scrubber system serving the plant.

   ii. The change to the equipment being undertaken is consistent with the authorization in Condition 1.

   iii. The Permittee notifies the Illinois EPA at least 10 days in advance of commencing construction of such a change. This notification shall include a description of the proposed change.

   iv. Construction of the change is commenced prior to the Compliance Date of the NESHAP.

If you have any questions on this permit, please call Christopher Romaine at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:CPR:psj

cc: Region 2

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

Archer Daniels Midland
Attn: Michelle Bublitz
4666 Faries Parkway
Decatur, Illinois 62526

Application No.: 02070010 I.D. No.: 001815AAF
Applicant's Designation: Date Received: July 2, 2002
Subject: Escher Wyss Baghouse
Date Issued: August 8, 2002 Expiration Date: August 8, 2007
Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of a baghouse to the existing Escher Wyss dryer as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1a. At all times, the Permittee shall maintain and operate the baghouse and dryer in a manner consistent with good air pollution control practice for minimizing emissions.

b. The Permittee may operate the dryer while it is exhausting to the existing cyclone when the baghouse is down for maintenance.

2. This permit is issued based on no increase of emissions from addition of new baghouse to the dryer because there is no change in throughput or operating hours for the dryer.

Please note that if this new equipment will result in any change to the data and information already provided in the CAAPP application submitted for this source, the Permittee must update their CAAPP application by submitting form 505-CAAPP – "Supplement to CAAPP Application" accompanied by other appropriate information.

If you have any questions on this, please call Kaushal Desai at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KKD:psj

cc: Region 2

217/782-2113

OPERATING PERMIT - REVISED

PERMITTEE

ADM Quincy
Attn: Ken Doellman
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 72110657 I.D. No.: 001815AAF
Applicant's Designation: SYSTEM 7 Date Received: January 17, 1997
Subject: East Processing Plant
Date Issued: January 28, 1997 Expiration Date: January 28, 2002
Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to OPERATE sources listed in Table 1 emission source(s) and/or air pollution control equipment as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1a. No person shall cause or allow any visible emissions of fugitive particulate matter from any process, including any material handling or storage activity beyond the property line of the emission source, pursuant to 35 Ill. Adm. Code 212.301.

b. Emissions of volatile organic material shall not exceed 0.0026 pounds of volatile organic material per pound of conventional soybeans crushed, pursuant to 35 Ill. Adm. Code 215.340(a).

c. This permit is issued based upon adding new equipment listed in Table 1 along with an increase in annual soybeans processed to 28.5 million bushels.

d. Compliance with annual emission and operating limitations in this permit are to be determined on a monthly basis using the present month figures along with the last eleven consecutive months; i.e. a 365 day rolling average.

2a. i. The annual grain throughput of the East plant shall not exceed 28.5 million bushels, based on a 12 month rolling average.

ii. The total amount of volatile organic material (VOM) emitted for oil (East Plant) extraction shall not exceed 724.20 tons per year at the East Plant. Compliance with this limit shall be determined from total solvent (hexane) consumption as referenced in Table 2 and 2a.

b. i. Coal and natural gas shall be the primary fuel fired at the plant.

ii. The annual coal consumption for the boilers required for the East Processing Plant shall not exceed 17,000 tons of coal.

c. i. Natural gas shall be the primary fuel fired in the dryers. Secondary fuel shall be propane limited to 150,000 gal/year.

ii. The annual natural gas consumption for the dryers shall not exceed 76.4 mmcf.

d. Emissions from the East Processing Plant shall not exceed 80.49 ton per year particulate matter and 23.01 ton/year PM_{10} as shown in Table 1.

e. Particulate matter emission increases shall not exceed the limits of Table 1.

f. The annual increase in VOM emissions for the East Processing Plant and Fuel Combustion Units shall not exceed 725.0 tons/year, as indicated in Table 2.

g. Emissions from the boiler and grain dryers other than particulate matter shall not exceed the limits in Table 3 and 3a.

3a. The Agency has determined that this project is not subject to the Prevention of Significant Deterioration (PSD) regulations even though it results in a significant increase in emissions at a major source, when considered with prior construction projects at this facility. Since this facility is a major source, a significant increase in emissions of any contaminant is potentially subject to PSD. However, a recent interpretation of the PSD regulations by the USEPA excludes from the regulations a series of accumulated emissions totaling above significance levels, when each individual increase is below the PSD threshold level.

b. The increase in volatile organic material emissions accompanying this expansion is less than significant, i.e. less than 40 tons/year, as explained in Table 4.

c. The increase in nitrogen oxide emissions accompanying the expansion is less than significant, i.e., less than 40 tons/year as explained in Table 4.

d. The increase in boiler emissions attributable to this project will not result in significant increases of any air contaminants when added to the increases from the expansion as explained in Table 4.

4a. The modified equipment described in the permit application may be operated for a period of 180 days under this Construction Permit.

b. The equipment described in the permit application shall not begin operation until construction, including construction of any air pollution control equipment, is complete, and reasonable measures short of actual operation have been taken to verify proper operation.

5a. Within 90 days of written request from the Agency, the particulate matter emissions of the DTDC shall be measured by an approved testing service, during conditions which are representative of maximum emissions.

b. The Agency shall be notified in writing a minimum of thirty (30) days prior to the expected date of these tests and further notified a minimum of five (5) working days prior to the test of the exact date, time and place of these tests, to enable the Agency to witness these tests.

c. The following methods and procedures shall be used for testing of emissions, unless another method is approved by the Agency: Refer to 40 CFR 60, Appendix A USEPA test methods.

Location of Sample Points	USEPA Method 1 (40 CFR 60, Appendix A)
Gas Flow and Velocity	USEPA Method 2 (40 CFR 60, Appendix A)
Particulate Matter	USEPA Method 5 (40 CFR 60, Appendix A)
PM10	USEPA Method 201 or 102A (40 CFR 51, Appendix M)

d. Copies of the Final Report(s) for these tests shall be submitted to the Agency within 14 days after the test results are compiled and finalized. The Final Report shall include as a minimum the following:

i. A summary of results

ii. General information

iii. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule

iv. Detailed description of test conditions, including

A. Process information, i.e., mode(s) of operation, process rate, e.g. fuel or raw material consumption
B. Control equipment information, i.e., equipment condition and operating parameters during testing, and

v. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration

e. Submittals of information shall be made as follows:

i. Two copies of all notifications, reports or other submissions required by this permit shall be provided to the Agency at the following address, unless otherwise specified:

Illinois Environmental Protection Agency (MC 40)
Division of Air Pollution Control, Compliance Unit
1340 North Ninth Street
P.O. Box 19276
Springfield, Illinois 62794-9276

ii. One copy of all notifications, reports and other submissions required by this permit, but not including the Annual Emission Report, shall also be provided to the Agency at the following address, unless otherwise specified:

Illinois Environmental Protection Agency
Division of Air Pollution Control - Regional Office
5415 North University
Peoria, Illinois 61614

6a. The Permittee shall operate, maintain, and repair all air pollution control equipment in a manner that assures that the applicable emission limits set in this permit are met at all times. The actions taken by the Permittee to meet this requirement shall include at least the following:

i. Written operating procedures shall be maintained and updated describing normal process and equipment operating parameters; monitoring or instrumentation for measuring control equipment operating parameters, if any; and control equipment inspection and maintenance practices the baghouse pressure drop will be observed and recorded. With respect to control equipment maintenance practices, the operating procedures may incorporate the manufacturers recommended operating instructions, if a copy of these instructions is attached to the procedures.

ii. Visual inspections of air pollution control equipment shall be conducted on a regular schedule. These inspections shall include a detailed inspection of the performance and condition of control equipment at least once per year.

iii. Prompt repairs shall be made upon identification of need, either as a consequence of formal inspections or other observations.

iv. Written records of inspection, maintenance and repair activities shall be kept in accordance with Condition 8(b).

b. The written operating procedures required by paragraph (a)(i) and the written records required by paragraph (a)(iv) need not be developed until the initial startup of the plant expansion.

c. This condition establishes compliance procedures to assure proper operation of control equipment as it is used to comply with limits on particulate matter and volatile organic material emissions set in this permit. These procedures make the particulate matter and volatile organic material limits set in this permit enforceable as a practical matter, and the implementation of these procedures may be used to determine compliance with the limits.

7a. The Permittee shall keep written records of the following item as related to the requirements established by Condition 1 through 3. These records may include normal production and operating records and shall be kept on at least a monthly basis if not otherwise specified.

i. Grain received and grain processed

ii. Hexane usage, coal and natural gas usage, coal characteristics, including heating value, sulfur content and ash content.

iii. Operating parameters for the grain dryer to identify proper dryer operation, at least once per day.

iv. A. Operating parameters for the oil extraction system, including the flakers to identify proper system operation, at least once per shift.

B. Operating parameters of the mineral oil absorber associated with the oil extraction system to identify proper operation, at least once per shift.

C. Records of solvent inventory and soybean crushed, as required by 35 Ill. Adm. Code 215.344.

b. The Permittee shall keep written records of inspections, other equipment observations, preventative maintenance, maintenance activities other than preventative maintenance, and repair of air pollution control equipment which include date, duration, nature, and description of observation or action.

c. All these records shall be kept and retained for at least two years and shall be available for inspection by the Agency. Upon request records required by paragraphs (b) shall be copied and furnished to Agency representatives during working hours.

d. Upon reasonable written request by the Agency, the Permittee shall submit a copy of these records as specified in the request. This material shall be submitted within 15 working days from the date of the request.

9. With the Annual Report required by 35 Ill. Adm. Code 201.302, the Permittee shall also report the annual emissions of particulate matter and volatile organic material, with supporting calculations and activity data and describe any exceedance of applicable limits, as determined by activities required by conditions of this permit or other means.

It should be noted that this permit has been revised to include Construction Permit 96030251.

If you have any questions on this permit, please call Don Hanko at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:DMH:jar

cc: Region 2

TABLE 1

LIMITS FOR PARTICULATE MATTER EMISSIONS

Source	Operating Hours Hours/Year	Throughput Process Rate Tons/Hour	Particulate Matter Emissions Average Lbs/Hr	Particulate Matter Emissions Maximum Tons/Year	PM_{10} Emissions Average Lbs/Hr	PM_{10} Emissions Maximum Tons/Year
Grain Elevator (96030251)						
Meal Sifter 1-4	8760	83.3	0.19	0.84	0.028	0.12
Meal Grinder	8760	41.7	0.10	0.42	0.014	0.06
Screening Refining	8760	16.9	0.004	0.02	0.001	0.00
Primary Cleaning	8760	150.0	0.32	1.38	0.075	0.33
Clean Bean Leg	8760	75.0	0.033	0.14	0.008	0.03
Dirty Bean Leg	8760	105.0	0.019	0.08	0.011	0.05
Bean Cleaner Leg	8760	105.0	0.046	0.20	0.001	0.00
Screening Surg Bin	8760	25.0	0.001	0.01	0.000	0.00
Rotary Magnet	8760	150.0	0.032	0.14	0.008	0.03
Cracking Rolls, Impactor and Aspirators	8760	105.0	0.231	1.01	0.035	0.15
Flaking Rolls	8760	104.0	1.3	5.69	0.208	0.91
DTDC Meal Drying and Cooling	8760	104.0	4.6	20.33	2.392	10.48
Expanders	8760	104.0	0.38	1.66	0.57	0.25
Bean Conditioning	8760	52.1	0.038	0.17	0.006	0.03
Existing Equipment				48.39		10.56
East Plant Emissions				80.49		23.01

DES:DMH:jar

TABLE 1A

PARTICULATE MATTER EMISSION INCREASES

Source	Current Emissions Tons/Year	Revised Limits Tons/Year	Increase PM Tons/Year	Increase PM-10 Tons/Year
Grain Elevator (96030251)				
Meal Sifter 1-4	0.42	0.84	+ 0.42	0.0
Meal Grinder	1.51	0.42	- 1.16	+ 0.50
Screening Refining	----	0.02	+ 0.02	0.0
Primary Cleaning	0.64	1.38	+ 0.94	+ 0.25
Clean Bean Leg	0.13	0.14	+ 0.01	+ 0.03
Dirty Bean Leg	0.01	0.08	+ 0.07	+ 0.05
Bean Cleaner Leg	0.13	0.20	+ 0.07	0.0
Screening Surg Bin	----	0.00	+ 0.00	0.0
Rotary Magnet	0.67	0.14	- 0.53	+ 0.05
Cracking Rolls, Impactor and Aspirators	7.31	1.01	- 6.3	- 0.94
Flaking Rolls	0.42	5.69	+ 5.27	+ 0.49
DTDC Meal Drying and Cooling	68.35	20.35	- 48.0	- 24.35
Expanders	----	0.56	0.26	+ 0.26
Bean Conditioning	0.22	16.73	+ 16.51	+ 2.51
Existing Equipment	56.32	50.84	- 5.48	- 0.34
East Plant Emissions			- 38.69	- 20.64

DES:DMH:jar

TABLE 2

VOLATILE ORGANIC EMISSIONS

	Lbs/Hour	Tons/Year
Solvent Extraction *	175.90	724.2
Fuel Combustion Units	0.19	0.80
	176.09	725.00

VOC emissions are based on actual consumption of hexane.

* Solvent Extraction VOM area based on 0.3 gal of hexane/tons soybeans crushed.

DES:DMH:jar

TABLE 2a

VOLATILE ORGANIC EMISSION INCREASE
FROM SOLVENT EXTRACTION

Average Emissions Tons/Year	Revised Emissions Tons/Year	Increased Emissions Tons/Year
708.21	725.00	16.79

VOC emissions are based on solvent (hexane) consumption.

DES:DMH:jar

TABLE 3

NON-PARTICULATE EMISSIONS FROM FUEL COMBUSTION

Contaminant	Projected Emissions Maximum Lbs/Hour	Projected Emissions Average Tons/Year
Carbon Monoxide	6.49	26.8
Nitrogen Oxide	43.78	180.75
Volatile Organic Material	0.19	0.80
Sulfur Dioxide	54.42	224.67

DES:DMH:jar

TABLE 3a

NON-PARTICULATE EMISSIONS INCREASES FROM BOILERS

Contaminant	Current Emissions Tons/Year	Revised Emissions Tons/Year	Increased Emissions Tons/Year
Carbon Monoxide	22.53	26.8	4.27
Nitrogen Oxide	140.82	180.75	39.93
Volatile Organic Material	0.52	0.80	0.28
Sulfur Dioxide	216.07	224.67	8.60

DES:DMH:jar

TABLE 4

CURRENT EMISSION BASELINE - AVERAGE OF YEARS 1992 & 1993 - 1800 TPD

	Name of Unit	PART TONS	PM10 TONS	CO TONS	NO_x TONS	SO_2 TONS	VOM TONS
1000	East Elevator Units	14.01	3.41	0.00	0.00	0.00	0.00
2000	East Plant Units	75.41	25.98	0.00	0.00	0.00	0.00
	Fuel Combustion Units (Boilers/Grain Dryers)	16.39	3.52	22.53	140.82	216.07	0.52
2000	East Plant Hexane Emissions	0.00	0.00	0.00	0.00	0.00	707.69
	Total Emissions:	105.80	32.91	22.53	140.82	216.07	708.20

PROPOSED EXPANSION 2500 TPD

	Name of Unit	PART TONS	PM10 TONS	CO TONS	NO_x TONS	SO_2 TONS	VOM TONS
1000	East Elevator Units	28.40	6.90	0.00	0.00	0.00	0.00
2000	East Plant Units	80.49	23.01	0.00	0.00	0.00	0.00
	Fuel Combustion Units (Boilers/Grain Dryers)	17.81	4.44	26.80	180.75	224.67	0.80
2000	East Plant Hexane Emissions	0.00	0.00	0.00	0.00	0.00	724.20
	Total Emissions:	126.70	34.35	26.80	180.75	224.67	725.00

DES:DMH:jar

217/782-2113

OPERATING PERMIT - REVISED

PERMITTEE

ADM
Attn: Michelle Bublitz
4666 Faries Parkway
Decatur, Illinois 62526

Application No.: 91080055 I.D. No.: 001815AAF
Applicant's Designation: SYSTEM 13 Date Received: August 14, 2002
Subject: Vegetable Oil Refinery
Date Issued: September 4, 2002 Expiration Date: September 4, 2007
Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of bleaching clay unloading and transfer with baghouse control, two Try Syl transfer systems with baghouse control, two gas/propane fired steam boilers, vegetable oil storage tanks, and process vacuum pumps as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Annual emissions of Nitrogen Oxides (NO_x) and Carbon Monoxide (CO) shall not exceed the amounts specified in the Table below.

(Tons/Year) Emission Source	Annual Emissions NO_x	CO
Two 7.5 Million Btu Steam Boilers	3.3	0.7

These limits are based on the information provided in the permit application.

2. Emissions and operation of equipment shall not exceed the following limits:

Item of Equipment	Process Rate (Lbs/Hr)	Operating Hours (Hrs/Yr)	Particulate Matter Emissions (Lbs/Hr)
Diatomaceous Earth Transfer	4,000	140	0.06
Trisyl Transfer	7,200	77	0.11

These limits are based on the information provided in the permit application. Compliance with annual limits shall be determined from a running total of 12 months of data.

3. This permit is issued based on negligible emissions of organic material from seven new storage tanks, crude oil storage and vacuum pumps. For this purpose, emissions shall not exceed nominal emission rates of 0.1 lb/hour and 0.44 ton/year.

4. This permit is based on negligible emissions of particulate matter from the bleaching clay unloading and transfer system. For this purpose, emissions shall not exceed nominal emission rates of 0.15 lb/hr and 0.66 tons/yr.

5. The issuance of this permit does not relieve the Permittee of the responsibility of complying with the provisions of the State of Illinois Rules and Regulations, Title 35: Subtitle C, Water Pollution Control, Chapter 1. The Permittee shall obtain a permit from the Division of Water Pollution Control for the operation of any wastewater pretreatment system and or discharge tributary to the City of Quincy.

It should be noted that this permit was revised to increase operating hours and process rates from the bleaching clay unloading and transfer system.

If you have any questions on this, please call Kaushal Desai at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KKD:jar

cc: IEPA, FOS, Region 2
IEPA, FOS, CMU
USEPA
A. Giacomini

217/782-2113

"REVISED"
JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

ADM Quincy
Attn: Ken Doellman
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 93110019
Applicant's Designation: System #16
Subject: Barge Dock Steam Boiler
Date Issued: November 18, 1993

I.D. No.: 001815AAF
Date Received: November 4, 1993

Operating Permit Expiration Date: November 18, 1998

Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of one oil-fired Kewanee portable boiler as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Operation of the emission source(s) included in this permit shall not begin until all associated air pollution control equipment has been constructed and is operational.

2. This permit is for one boiler only. However, one relocated boiler from another site may be used initially and then replaced with an identical unit within one year. Only one boiler may operate at a time.

3a. Firing rate, fuel oil usage, hours of operation, and emissions of sulfur dioxide and nitrogen oxides shall not exceed the following:

Firing Rate mmbtu/hr	Operation hr/year	Oil Usage gal/year	Emissions SO_2 lb/hr	SO_2 ton/yr	NO_X lb/hr	NO_X ton/yr
8.4	2000	120000	2.6	2.6	3.3	3.3

b. Compliance with annual limits shall be determined from a running total of 12 months of data.

4. At the above location, the Permittee shall not keep, store, or utilize:

   a. distillate fuel oil (Grades No. 1 and 2) with a sulfur content greater than the larger of the following two values:

      i. 0.28 weight percent, or

ii. the wt. percent given by the formula: Maximum wt. percent sulfur = (0.000015) x (Gross heating value of oil, BTU/lb).

5. Organic liquid by-products or waste materials shall not be used in these fuel combustion emission sources without written approval from this Agency.

6. The Agency shall be allowed to sample all fuels stored at the above location.

7. Appropriate operating records shall be maintained to allow the Agency to review compliance with the limits in Condition 3 and 4.

If you have any questions on this, please call Dan Punzak at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:DGP:psj

cc: Region 2

217/782-2113

CONSTRUCTION PERMIT

PERMITTEE

C & T Quincy
Attn: Ken Klauser
2800 Refinery Road
Quincy, IL 62306

Application No.: 95090189 I.D. No.: 001815AAF
Applicant's Designation: SYSTEM 13 Date Received: September 18, 1995
Subject: Vegetable Oil Refinery
Date Issued: November 21, 1995
Location: 2800 Refinery Road, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of seven vegetable oil storage tanks as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. This permit is issued based on negligible emissions of organic material from seven new storage tanks. For this purpose, emissions shall not exceed nominal emission rates of 0.1 lb/hour and 0.44 ton/year.

If you have any questions on this, please call Don Hanko at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:DMH:drk

cc: Region 2

217/782-2113

CONSTRUCTION PERMIT

PERMITTEE

Quincy Soybean Company
Attn: Ken Klauser
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 96030250
Applicant's Designation: SYSEM 1
Subject: East Elevator Operation
Date Issued: June 6, 1996
Location: 1900 Gardner Expressway, Quincy

I.D. No.: 001815AAF
Date Received: March 12, 1996

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of a elevator modification which includes an increase in throughput, an increase in drying and the addition of a scalper and destoner as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Operation and particulate matter emissions of equipment shall not exceed the following:

Item of Equipment	Operating Rate (Bushels/Hour)	Operating Hours (Hours/Year)	Particulate Matter Emissions (Tons/Year)
Existing Equipment	3,253	8,760	15.8
Grain Drying	3,650	6,570	11.7
Scalper/Destoner	3,253	8,760	0.9
		Total	28.4

These limits are based on the information provided in the permit application.

2. Annual grain throughput at the East elevator operation shall not exceed 28.5 million bushel per year. The annual grain drying shall not exceed 24 million bushels per year.

3. The applicant shall keep records for the following:

   a. Amount of grain handled annually.

   b. Amount of grain dried annually.

   These records required by this permit shall be retained for at least three years. These records shall be available for inspection upon request by the Agency.

If you have any questions on this, please call Don Hanko at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:DMH:jar

cc: Region 2

217/782-2113

CONSTRUCTION PERMIT

PERMITTEE

ADM Quincy Processing Division
Attn: Ken Doellman
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 98060073
Applicants Designation: System 7
Subject: East Plant Meal Cote System
Date Issued: August 17, 1998
Location: 1900 Gardner Expressway, Quincy

I.D. No.: 001815AAF
Date Received: June 22, 1998

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and /or air pollution control equipment consisting of storage tank and cyclone as described in the above referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. This permit is issued based on negligible emissions of Particulate Matter from the 1,000 cubic foot meal cote bulk storage tank (TS-3006) and pneumatic cyclone (CA-3001) that is controlled by an existing baghouse (FA-3001). For this purpose, emissions shall not exceed nominal emission rates of 0.1 lb/hour and 0.44 ton/year.

If you have any questions concerning this letter, please contact Bruce Rodely at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:BDR:psj

cc: Region 2

217/782-2113

REVISED
JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

Archer Daniels Midland Company (ADM)
Attn: Michelle L. Bublitz
4666 Faries Parkway
Decatur, Illinois 62526

Application No.: 99040082
Applicant's Designation: H_2 PLANT
Subject: Hydrogen Gas Plant
Date Issued: July 2, 2002

I.D. No.: 001815AAF
Date Received: May 6, 2002

Operating Permit Expiration Date: June 22, 2004

Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of a hydrogen gas plant as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1.0 Unit Specific Conditions

1.1 Description

The Permittee operates a small hydrogen plant to supply hydrogen for its soybean oil refining operations.

1.2 List of Emission Equipment and Pollution Control Equipment

Emission Unit	Emission Source	Control Equipment	Date Constructed
1	Reformer Burner	N/A	6/1999

1.3 Applicability Provisions and Applicable Regulations

a. An "affected reformer burner" for the purpose of these unit specific conditions is a unit used for the production of hydrogen gas, that is fired with natural gas and vent gas, with a maximum heat input capacity of 20 mmBtu/hr.

b. No person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission unit to exceed 2000 ppm, [35 IAC 214.301].

c. No person shall cause or allow the discharge of more than 3.6 Kg/hour (8 lb/hour) of organic material into the atmosphere from any emission source, except if no odor nuisance exists the limitation of this subpart shall apply

only to photochemically reactive material, [35 IAC 215.301].

1.4 Non-Applicable Regulations of Concern

a. The affected reformer burner is not subject to 35 IAC 217.121, emissions of nitrogen oxides from new fuel combustion emission sources, because the actual heat input is less than 73.2 MW (250 mmBtu/hr).

b. The reformer burner is not subject to 35 IAC 216.121, emissions of carbon monoxide into the atmosphere from any fuel combustion emission source pursuant to the reformer burner not meeting the definition of a fuel combustion emission unit or fuel combustion emission source as defined by Section 211.2470.

1.5 Operational and Production Limits and Work Practices

a. Natural gas and vent gas shall be the only fuels fired in the affected reformer burner.

1.6 Emission Limitations

a. Emissions from the affected reformer burner shall not exceed the following limits:

Pollutant	Emissions Tons/Month	Emissions Ton/Year
NO_x	0.505	5.05
CO	0.714	7.14
PM	0.064	0.64
VOM	0.046	0.46
SO_2	0.005	0.05

These limits are calculated from standard AP-42 emission factors for the combustion of natural gas and for the combustion of vent gas except for NO_x which is based on a manufacturer's guaranteed rate, and a maximum natural gas and vent gas annual throughput rate of 75 mmscf and 382 mmscf respectively.

1.7 Testing Requirements

None

1.8 Inspection Requirements

None

1.9 Recordkeeping Requirements

The Permittee shall maintain records of the following items for the affected reformer burner to demonstrate compliance with this section, pursuant to Section 39.5(7)(b) of the Act:

a. Records of monthly and annual aggregate NO_x, PM, SO_2, CO, and VOM emissions from the affected reformer burner shall be maintained, based on fuel usage and the applicable emission factors, with supporting calculations.

b. In addition to the above requirements, the Permittee shall maintain records of the following items for the reformer burner to demonstrate compliance with Section 39.5(7)(b) of the Act:

   i. Fuel usage (MMscf/yr), and

   ii. Fuel combustion emissions calculated in accordance with the procedures given in Condition 1.12 (ton/yr).

1.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of noncompliance with the control and operating requirements as follows pursuant to Section 39.5(7)(f)(ii) of the Act:

a. Emissions of VOM from an affected reformer burner in excess of the limits specified in Condition 1.3(C) within 30 days of such an occurrence.

b. Emissions of SO_2 from an affected reformer burner in excess of the limits specified in Condition 1.3(b) within 30 days of such an occurrence.

c. Emissions of NO_x, PM, SO_2, CO or VOM from the affected reformer burner in excess of the limits specified in Condition 1.6 based on the current month's records plus the preceding 11 months within 30 days of such an occurrence.

1.11 Operational Flexibility/Anticipated Operating Scenarios

None

1.12 Compliance Procedures

a. To determine compliance with Condition 1.6 emissions from the affected reformer burner shall be based on the emission factors listed below:

Pollutant	Natural Gas Emission Factors (Lb/mmBtu)	Vent Gas Emission Factors (Lb/mmBtu)
NO_x	0.033	0.08
PM	0.0076	0.0076
SO_2	0.0006	0.0006
VOM	0.0055	0.0055
CO	0.084	0.084

These are the emission factors for uncontrolled natural gas combustion, AP 42, Volume I, Supplement F, March, 1998; except for the vent gas emission factor for NO_x which is a manufacturer's guaranteed rate.

Reformer Burner Emissions (lb) = (Natural Gas Consumed, BTU) x (The Appropriate Emission Factor)+ (flu gas consumed, BTU) x (The Appropriate Emission Factor)

Please note this permit has been revised, as per Permittee request, to clarify applicable emission factors.

If you have any questions on this, please call Kevin Smith at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KLS:psj

cc: Region 3

217/782-2113

JOINT CONSTRUCTION AND OPERATING PERMIT

PERMITTEE

ADM Quincy Processing Division
Attn: Ken Doellman, Environmental Manager
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 99070072
Applicant's Designation: SYSTEM 7
Subject: East Plant Meal Cote System
Date Issued: August 23, 1999

I.D. No.: 001815AAF
Date Received: July 26, 1999

Operating Permit Expiration Date: August 23, 2004

Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to CONSTRUCT and OPERATE emission source(s) and/or air pollution control equipment consisting of two conveyors (CA-3001) and one meal cote storage tank (TS-3006) as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Operation of the emission source(s) included in this permit shall not begin until all associated air pollution control equipment has been constructed and is operational.

2. This permit is issued based on no increase in emissions over those currently permitted in Permit No. 98060073.

If you have any questions on this, please call Kevin Smith at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:KLS:psj\8

cc: Region 2

217/782-2113

OPERATING PERMIT - REVISED

PERMITTEE

ADM Quincy
Attn: Ken Doellman
1900 Gardner Expressway
Quincy, Illinois 62306

Application No.: 76010391 I.D. No.: 001815AAF
Applicant's Designation: SYS1-6 Date Received: March 12, 1996
Subject: System 1, 1A, 2, 3, 5 & 6
Date Issued: June 11, 1996 Expiration Date: July 10, 2000
Location: 1900 Gardner Expressway, Quincy

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of east elevator #3 dump, loadout dryer, destoner, scalper, and cleaning, west elevator, silo cleaning with cyclones and baghouses as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. The Permittee shall maintain a housekeeping checklist. This checklist shall contain the applicable housekeeping practices described in the attached "Minimum Recommendations for Housekeeping Practices for Grain Handling Facilities", pursuant to 35 Ill. Adm. Code 212.461(b).

2. Aspiration System 1A on the East Elevator shall be operated so as to achieve, together with enclosure or other control techniques

   a. 99% capture of emissions from the No. 3 Dump Pit

   b. 90% capture of emissions from the truck load spouts

   c. 95% capture of emissions from the crossover belt, and

   d. 100% capture of emissions from the elevator legs, and

   e. An actual particulate matter removal efficiency of not less than 99.9% by weight prior to release to the atmosphere.

3. Operation and particulate matter emissions of equipment shall not exceed the following:

Item of Equipment	Operating Rate (Bushels/Hour)	Operating Hours (Hours/Year)	Particulate Matter Emissions (Tons/Year)
Existing Equipment	3,253	8,760	15.8
Grain Drying	3,650	6,570	11.7
Scalper/Destoner	3,253	8,760	0.9
		Total	28.4

These limits are based on the information provided in the permit application.

4. Annual grain throughput at the East elevator operation shall not exceed 28.5 million bushel per year. The annual grain drying shall not exceed 24 million bushels per year.

5. The applicant shall keep records for the following:

   a. Amount of grain handled annually.

   b. Amount of grain dried annually.

   These records required by this permit shall be retained for at least three years. These records shall be available for inspection upon request by the Agency.

It should be noted that this permit has been revised to include construction permit 96030250.

If you have any questions on this, please call Don Hanko at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:DMH:jar

cc: Region 2

10.5 Attachment 5 - Example Certification by a Responsible Official

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Name: _____

Official Title: _____

Telephone No.: _____

Date Signed: _____

10.6 Attachment 6 - Guidance on Revising This Permit

The Permittee must submit an application to the Illinois EPA using the appropriate revision classification in accordance with Sections 39.5(13) and (14) of the Act and 35 IAC 270.302. Specifically, there are currently three classifications for revisions to a CAAPP permit. These are:

1. Administrative Permit Amendment;

2. Minor Permit Modification; and

3. Significant Permit Modification.

The Permittee must determine, request, and submit the necessary information to allow the Illinois EPA to use the appropriate procedure to revise the CAAPP permit. A brief explanation of each of these classifications follows.

1. Administrative Permit Amendment

- 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;

- Allows for a change in ownership or operational control of the source where 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 Permittees has been submitted to the Illinois EPA. This shall be handled by completing form 272-CAAPP, REQUEST FOR OWNERSHIP CHANGE FOR CAAPP PERMIT; or

- Incorporates into the CAAPP permit a construction permit, provided the conditions of the construction permit meet the requirements for the issuance of CAAPP permits.

2. Minor Permit Modification

- Do not violate any applicable requirement;

- Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

- Do not require a case-by-case determination of an emission limitation or other standard, or a source-specific determination 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 requirement and which avoids an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

    - A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the CAA; and

    - An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the CAA.

- Are not modifications under any provision of Title I of the CAA;

- Are not required to be processed as a significant permit modification; and

- Modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches.

An application for a minor permit modification shall include the following:

- A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

- The source's suggested draft permit/conditions;

- Certification by a responsible official that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

- Information as contained on form 271-CAAPP, MINOR PERMIT MODIFICATION FOR CAAPP PERMIT for the Illinois EPA to use to notify USEPA and affected States.

3. Significant Permit Modification

- Applications that do not qualify as either minor permit modifications or as administrative permit amendments;

- Applications requesting a significant change in existing monitoring permit terms or conditions;

- Applications requesting a relaxation of reporting or recordkeeping requirements; and

- Cases in which, in the judgment of the Illinois EPA, action on an application for modification would require decisions to be made on technically complex issues.

An application for a significant permit modification shall include the following:

- A detailed description of the proposed change(s), including all physical changes to equipment, changes in the method of operation, changes in emissions of each pollutant, and any new applicable requirements which will apply as a result of the proposed change. Note that the Permittee need only submit revised forms for equipment and operations that will be modified.

The Illinois EPA requires the information on the following appropriate forms to be submitted in accordance with the proper classification:

- Form 273-CAAPP, REQUEST FOR ADMINISTRATIVE PERMIT AMENDMENT FOR CAAPP PERMIT; or

- Form 271-CAAPP, MINOR PERMIT MODIFICATION FOR CAAPP PERMIT; or

- Form 200-CAAPP, APPLICATION FOR CAAPP PERMIT (for significant modification).

Application forms can be obtained from the Illinois EPA website at http://www.epa.state.il.us/air/forms.

Note that the request to revise the permit must be certified for truth, accuracy, and completeness by a responsible official.

Note that failure to submit the required information may require the Illinois EPA to deny the application. The Illinois EPA reserves the right to require that additional information be submitted as needed to evaluate or take final action on applications pursuant to Section 39.5(5)(g) of the Act and 35 IAC 270.305.

Illinois Environmental Protection Agency
Division Of Air Pollution Control -- Permit Section
P.O. Box 19506
Springfield, Illinois 62794-9506

Application For Construction Permit (For CAAPP Sources Only)	For Illinois EPA use only
	I.D. number:
	Permit number:
	Date received:

This form is to be used by CAAPP sources to supply information necessary to obtain a construction permit. Please attach other necessary information and completed CAAPP forms regarding this construction/modification project.

Source Information		
1. Source name:		
2. Source street address:		
3. City:		4. Zip code:
5. Is the source located within city limits?		☐ Yes ☐ No
6. Township name:	7. County:	8. I.D. number:

Owner Information		
9. Name:		
10. Address:		
11. City:	12. State:	13. Zip code:

Operator Information (if different from owner)		
14. Name		
15. Address:		
16. City:	17. State:	18. Zip code:

Applicant Information	
19. Who is the applicant? ☐ Owner ☐ Operator	20. All correspondence to: (check one) ☐ Owner ☐ Operator ☐ Source
21. Attention name and/or title for written correspondence:	
22. Technical contact person for application:	23. Contact person's telephone number:

This Agency is authorized to require and you must disclose this information under 415 ILCS 5/39. Failure to do so could result in the application being denied and penalties under 415 ILCS 5 et seq. It is not necessary to use this form in providing this information. This form has been approved by the forms management center.

Summary Of Application Contents		
24.	Does the application address whether the proposed project would constitute a new major source or major modification under each of the following programs: a) Non-attainment New Source Review – 35 IAC Part 203; b) Prevention of Significant Deterioration (PSD) – 40 CFR 52.21; c) Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources – 40 CFR Part 63?	☐ Yes ☐ No
25.	Does the application identify and address all applicable emissions standards, including those found in the following: a) Board Emission Standards – 35 IAC Chapter I, Subtitle B; b) Federal New Source Performance Standards – 40 CFR Part 60; c) Federal Standards for Hazardous Air Pollutants – 40 CFR Parts 61 and 63?	☐ Yes ☐ No
26.	Does the application include a process flow diagram(s) showing all emission units and control equipment, and their relationship, for which a permit is being sought?	☐ Yes ☐ No
27.	Does the application include a complete process description for the emission units and control equipment for which a permit is being sought?	☐ Yes ☐ No
28.	Does the application include the information as contained in completed CAAPP forms for all appropriate emission units and air pollution control equipment, listing all applicable requirements and proposed exemptions from otherwise applicable requirements, and identifying and describing any outstanding legal actions by either the USEPA or the Illinois EPA? Note: The use of "APC" application forms is not appropriate for applications for CAAPP sources. CAAPP forms should be used to supply information.	☐ Yes ☐ No
29.	If the application contains TRADE SECRET information, has such information been properly marked and claimed, and have two separate copies of the application suitable for public inspection and notice been submitted, in accordance with applicable rules and regulations?	☐ Yes ☐ No ☐ Not Applicable, No TRADE SECRET information in this application

Note 1: Answering “No” to any of the above may result in the application being deemed incomplete.

Signature Block	
	This certification must be signed by a responsible official. Applications without a signed certification will be returned as incomplete.
30.	I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in this application are true, accurate and complete. Authorized Signature: BY: _____ AUTHORIZED SIGNATURE _____ TITLE OF SIGNATORY _____ TYPED OR PRINTED NAME OF SIGNATORY _____ / _____ / _____ DATE

Note 2: An operating permit for the construction/modification permitted in a construction permit must be obtained by applying for the appropriate revision to the source′s CAAPP permit, if necessary.

10.8 Attachment 8 - Guidance on Renewing This Permit

Timeliness - Pursuant to Section 39.5(5)(n) of the Act and 35 IAC 270.301(d), a source must submit to the Illinois EPA a complete CAAPP application for the renewal of a CAAPP permit not later than 9 months before the date of permit expiration of the existing CAAPP permit in order for the submittal to be deemed timely. Note that the Illinois EPA typically sends out renewal notices approximately 18 months prior to the expiration of the CAAPP permit.

The CAAPP application must provide all of the following information in order for the renewal CAAPP application to be deemed complete by the Illinois EPA:

1. A completed form 200-CAAPP, APPLICATION FOR CAAPP PERMIT.

2. A completed compliance certification for the source. For this purpose, the Illinois EPA will accept a copy of the most recent form 401-CAAPP, ANNUAL COMPLIANCE CERTIFICATION submitted to the Illinois EPA.

3. If this is the first time this permit is being renewed and this source has not yet addressed CAM, the application should contain the information on form 464-CAAPP, COMPLIANCE ASSURANCE MONITORING (CAM) PLAN.

4. Information addressing any outstanding transfer agreement pursuant to the ERMS.

5. a. If operations of an emission unit or group of emission units remain unchanged and are accurately depicted in previous submittals, the application may contain a letter signed by a responsible official that requests incorporation by reference of existing information previously submitted and on file with the Illinois EPA. The boxes should be marked yes on form 200-CAAPP, APPLICATION FOR CAAPP PERMIT, as existing information is being incorporated by reference.

   b. If portions of current operations are not as described in previous submittals, then in addition to the information above for operations that remain unchanged, the application must contain the necessary information on all changes, e.g., discussion of changes, new or revised CAAPP forms, and a revised fee form 292-CAAPP, FEE DETERMINATION FOR CAAPP PERMIT, if necessary.

The Illinois EPA will review all applications for completeness and timeliness. If the renewal application is deemed both timely and complete, the source shall continue to operate in accordance with the terms and conditions of its CAAPP permit until final action is taken on the renewal application.

Notwithstanding the completeness determination, the Illinois EPA may request additional information necessary to evaluate or take final action on the CAAPP renewal application. If such additional information affects your allowable emission limits, a revised form 292-CAAPP, FEE DETERMINATION FOR CAAPP PERMIT must be submitted with the requested information. The failure to submit to the Illinois EPA the requested information within the time frame specified by the Illinois EPA, may force the Illinois EPA to deny your CAAPP renewal application pursuant to Section 39.5 of the Act.

Application forms may be obtained from the Illinois EPA website at http://www.epa.state.il.us/air/forms.html.

If you have any questions regarding this matter, please contact a permit analyst at 217/782-2113.

Mail renewal applications to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section (MC 11)
P.O. Box 19506
Springfield, Illinois 62794-9506

LAK:psj