☒ **Synthetic Minor Determination and/or** ☐ **Netting Determination**

Permit To Install **05-06273**

A. Source Description

The facility is a manufacturer of automotive and decorative parts employing stamping presses and coating lines to produce their products. The emission unit subject to this PTI modification is a coating line (K033) on the decorative parts side of the operation. This permit to install limits VOC emissions as part of American Trim's overall effort to avoid PSD.

B. Facility Emissions and Attainment Status

Given the enforceable limitation on VOC emissions for this and other units from other PTI applications, the facilities annual emissions of VOC will total 193.2 tons per year. The facility is located in Shelby County, which is in attainment status for Ozone, as well as all other criterial pollutants.

C. Source Emissions

This unit is limited to 18.874 tons per rolling 12-month period. The limitation on emissions requires monthly record keeping of all coatings and cleanup materials employed, their associated VOC content, and the calculated VOC emissions (assuming 100% emissions) per rolling 12-month period.

D. Conclusion

The limitation on total VOC emissions from this emission unit is a part of American Trims's facility-wide plan to limit VOC emissions and stay under the emission thresholds for PSD.

State of Ohio Environmental Protection Agency

Street Address:
Lazarus Gov. Center
122 S. Front Street
Columbus, OH 43215

TELE: (614) 644-3020 **FAX:** (614) 644-2329

Mailing Address:
Lazarus Gov. Center
P.O. Box 1049
Columbus, OH 43216-1049

RE: DRAFT PERMIT TO INSTALL
SHELBY COUNTY
Application No: 05-06273
Fac ID: 0575010106

CERTIFIED MAIL

Y	TOXIC REVIEW
	PSD
Y	SYNTHETIC MINOR
	CEMS
MMMM	MACT
	NSPS
	NESHAPS
	NETTING
	MAJOR NON-ATTAINMENT
	MODELING SUBMITTED
	GASOLINE DISPENSING FACILITY

DATE: 9/9/2004

American Trim L.L.C.
Kimberly Ness
1501 W Michigan Ave
Sidney, OH 45365

You are hereby notified that the Ohio Environmental Protection Agency has made a draft action recommending that the Director issue a Permit to Install for the air contaminant source(s) [emissions unit(s)] shown on the enclosed draft permit. This draft action is not an authorization to begin construction or modification of your emissions unit(s). The purpose of this draft is to solicit public comments on the proposed installation. A public notice concerning the draft permit will appear in the Ohio EPA Weekly Review and the newspaper in the county where the facility will be located. Public comments will be accepted by the field office within 30 days of the date of publication in the newspaper. Any comments you have on the draft permit should be directed to the appropriate field office within the comment period. A copy of your comments should also be mailed to Robert Hodanbosi, Division of Air Pollution Control, Ohio EPA, P.O. Box 1049, Columbus, OH, 43266-0149.

A Permit to Install may be issued in proposed of final form based on the draft action, any written public comments received within 30 days of the public notice, or record of a public meeting if one is held. You will be notified in writing of a scheduled public meeting. Upon issuance of a final Permit to Install a fee of **$200** will be due. Please do not submit any payment now.

The Ohio EPA is urging companies to investigate pollution prevention and energy conservation. Not only will this reduce pollution and energy consumption, but it can also save you money. If you would like to learn ways you can save money while protecting the environment, please contact our Office of Pollution Prevention at (614) 644-3469. If you have any questions about this draft permit, please contact the field office where you submitted your application, or Mike Ahern, Field Operations & Permit Section at (614) 644-3631.

Sincerely,

Michael W. Ahern

Michael W. Ahern, Manager
Permit Issuance and Data Management Section
Division of Air Pollution Control

CC: **USEPA** **SWDO** **IN**

SHELBY COUNTY

PUBLIC NOTICE
ISSUANCE OF DRAFT PERMIT TO INSTALL **05-06273** FOR AN AIR CONTAMINANT SOURCE FOR
American Trim L.L.C.

On 9/9/2004 the Director of the Ohio Environmental Protection Agency issued a draft action of a Permit To Install an air contaminant source for **American Trim L.L.C.**, located at **1501 W Michigan Ave, Sidney**, Ohio.

Installation of the air contaminant source identified below may proceed upon final issuance of Permit To Install 05-06273:

One 8-screen unit printing line - modification.

Comments concerning this draft action, or a request for a public meeting, must be sent in writing to the address identified below no later than thirty (30) days from the date this notice is published. All inquiries concerning this draft action may be directed to the contact identified below.

Phil Hinrichs, Ohio EPA, Southwest District Office, 401 East Fifth Street, Dayton, OH 45402-2911 [(937)285-6357]

DRAFT PERMIT TO INSTALL 05-06273

Application Number:	05-06273
Facility ID:	0575010106
Permit Fee:	**To be entered upon final issuance**
Name of Facility:	American Trim L.L.C.
Person to Contact:	Kimberly Ness
Address:	1501 W Michigan Ave Sidney, OH 45365

Location of proposed air contaminant source(s) [emissions unit(s)]:
1501 W Michigan Ave
Sidney, Ohio

Description of proposed emissions unit(s):
One 8-screen unit printing line - modification.

The above named entity is hereby granted a Permit to Install for the above described emissions unit(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described emissions unit(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described emissions unit(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Director

Part I - GENERAL TERMS AND CONDITIONS

A. State and Federally Enforceable Permit To Install General Terms and Conditions

1. Monitoring and Related Recordkeeping and Reporting Requirements

a. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall maintain records that include the following, where applicable, for any required monitoring under this permit:

i. The date, place (as defined in the permit), and time of sampling or measurements.

ii. The date(s) analyses were performed.

iii. The company or entity that performed the analyses.

iv. The analytical techniques or methods used.

v. The results of such analyses.

vi. The operating conditions existing at the time of sampling or measurement.

b. Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

c. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall submit required reports in the following manner:

i. Reports of any required monitoring and/or recordkeeping of federally enforceable information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

ii. Quarterly written reports of (i) any deviations from federally enforceable <u>emission limitations</u>, <u>operational restrictions</u>, <u>and control device operating parameter limitations</u>, excluding deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06, that have been detected by the testing, monitoring and recordkeeping requirements specified in this permit, (ii) the probable cause of such deviations, and (iii) any corrective actions or preventive measures taken, shall be made to the appropriate Ohio EPA District Office or local air agency. The written reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the

previous calendar quarters. See B.9 below if no deviations occurred during the quarter.

iii. Written reports, which identify any deviations from the federally enforceable monitoring, recordkeeping, and reporting requirements contained in this permit shall be submitted to the appropriate Ohio EPA District Office or local air agency every six months, i.e., by January 31 and July 31 of each year for the previous six calendar months. If no deviations occurred during a six-month period, the permittee shall submit a semi-annual report, which states that no deviations occurred during that period.

iv. Each written report shall be signed by a responsible official certifying that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

2. Scheduled Maintenance/Malfunction Reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction, i.e., upset, of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. (The definition of an upset condition shall be the same as that used in OAC rule 3745-15-06(B)(1) for a malfunction.) The verbal and written reports shall be submitted pursuant to OAC rule 3745-15-06**.**
Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emission unit(s) that is (are) served by such control system(s).

3. Risk Management Plans

If the permittee is required to develop and register a risk management plan pursuant to section 112(r) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. ("Act"), the permittee shall comply with the requirement to register such a plan.

4. Title IV Provisions

If the permittee is subject to the requirements of 40 CFR Part 72 concerning acid rain, the permittee shall ensure that any affected emissions unit complies with those requirements. Emissions exceeding any allowances that are lawfully held under Title IV of the Act, or any regulations adopted thereunder, are prohibited.

5. Severability Clause

A determination that any term or condition of this permit is invalid shall not invalidate the force or effect of any other term or condition thereof, except to the extent that any other term or

condition depends in whole or in part for its operation or implementation upon the term or condition declared invalid.

6. General Requirements

a. The permittee must comply with all terms and conditions of this permit. Any noncompliance with the federally enforceable terms and conditions of this permit constitutes a violation of the Act, and is grounds for enforcement action or for permit revocation, revocation and reissuance, or modification, or for denial of a permit renewal application.

b. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the federally enforceable terms and conditions of this permit.

c. This permit may be modified, reopened, revoked, or revoked and reissued, for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any term and condition of this permit.

d. This permit does not convey any property rights of any sort, or any exclusive privilege.

e. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Director or an authorized representative of the Director, copies of records required to be kept by this permit. For information claimed to be confidential in the submittal to the Director, if the Administrator of the U.S. EPA requests such information, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

7. Fees

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable Permit To Install fees within 30 days after the issuance of this Permit To Install.

8. Federal and State Enforceability

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any of its applicable requirements, including relevant provisions designed to limit the potential to emit of a source, are enforceable by the Administrator of the U.S. EPA, the State, and citizens under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.

9. Compliance Requirements

a. Any document (including reports) required to be submitted and required by a federally applicable requirement in this permit shall include a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete.

b. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to:

i. At reasonable times, enter upon the permittee's premises where a source is located or the emissions-related activity is conducted, or where records must be kept under the conditions of this permit.

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with ORC section 3704.08.

iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.

iv. As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit and applicable requirements.

c. The permittee shall submit progress reports to the appropriate Ohio EPA District Office or local air agency concerning any schedule of compliance for meeting an applicable requirement. Progress reports shall be submitted semiannually, or more frequently if specified in the applicable requirement or by the Director of the Ohio EPA. Progress reports shall contain the following:

i. Dates for achieving the activities, milestones, or compliance required in any schedule of compliance, and dates when such activities, milestones, or compliance were achieved.

ii. An explanation of why any dates in any schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

10. Permit To Operate Application

a. If the permittee is required to apply for a Title V permit pursuant to OAC Chapter 3745-77, the permittee shall submit a complete Title V permit application or a complete Title V permit modification application within twelve (12) months after commencing operation of the emissions units covered by this permit. However, if the proposed new or

modified source(s) would be prohibited by the terms and conditions of an existing Title V permit, a Title V permit modification must be obtained before the operation of such new or modified source(s) pursuant to OAC rule 3745-77-04(D) and OAC rule 3745-77-08(C)(3)(d).

b. If the permittee is required to apply for permit(s) pursuant to OAC Chapter 3745-35, the source(s) identified in this Permit To Install is (are) permitted to operate for a period of up to one year from the date the source(s) commenced operation. Permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within ninety (90) days after commencing operation of the source(s) covered by this permit.

11. Best Available Technology

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

12. Air Pollution Nuisance

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

B. State Only Enforceable Permit To Install General Terms and Conditions

1. Compliance Requirements

The emissions unit(s) identified in this Permit to Install shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit.

2. Reporting Requirements

The permittee shall submit required reports in the following manner:

a. Reports of any required monitoring and/or recordkeeping of state-only enforceable information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from state-only required emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

3. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

4. Termination of Permit To Install

This permit to install shall terminate within eighteen months of the effective date of the permit to install if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

5. Construction of New Sources(s)

The proposed emissions unit(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources cannot meet the requirements of this permit or cannot meet applicable standards.

If the construction of the proposed emissions unit(s) has already begun or has been completed prior to the date the Director of the Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of OAC rule 3745-31-02. Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities cannot meet the requirements of this permit or cannot meet applicable standards.

6. Public Disclosure

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC rule 3745-49-03.

7. Applicability

This Permit to Install is applicable only to the emissions unit(s) identified in the Permit To Install. Separate application must be made to the Director for the installation or modification of any other emissions unit(s).

8. Construction Compliance Certification

If applicable, the applicant shall provide Ohio EPA with a written certification (see enclosed form if applicable) that the facility has been constructed in accordance with the Permit To Install application and the terms and conditions of the Permit to Install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.

9. Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations (See Section A of This Permit)

If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters.

C. Permit To Install Summary of Allowable Emissions

The following information summarizes the total allowable emissions, by pollutant, based on the individual allowable emissions of each air contaminant source identified in this permit.

SUMMARY (for informational purposes only)
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

Pollutant	Tons Per Year
VOC	18.874

Part II - FACILITY SPECIFIC TERMS AND CONDITIONS

A. State and Federally Enforceable Permit To Install Facility Specific Terms and Conditions

If upon January 2, 2004, the facility is determined an affected source then the affected portions of the facility are subject to the terms and conditions contained in 40 CFR Part 63, subparts A and MMMM as well as any other subpart referenced therein. The terms and conditions of Subparts A and MMMM are included as follows:

Subpart A——General Provisions

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

§§ 63.1 Applicability.

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

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

(3) No emission standard or other requirement established under this part shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by the Administrator pursuant to other authority of the Act (section 111, part C or D or any other authority of this Act), or a standard issued under State authority. The Administrator may specify in a specific standard under this part that facilities subject to other provisions under the Act need only comply with the provisions of that standard.

(4)(i) Each relevant standard in this part 63 must identify explicitly whether each provision in this subpart A is or is not included in such relevant standard.

(ii) If a relevant part 63 standard incorporates the requirements of 40 CFR part 60, part 61 or other part 63 standards, the relevant part 63 standard must identify explicitly the applicability of each corresponding part 60, part 61, or other part 63 subpart A (General) provision.

(iii) The General Provisions in this subpart A do not apply to regulations developed pursuant to section 112(r) of the amended Act, unless otherwise specified in those regulations.

(5) [Reserved]

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

(7)—(9) [Reserved]

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

(11) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, test plan, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

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

(b) *Initial applicability determination for this part.* (1) The provisions of this part apply to the owner or operator of any stationary source that——

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

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

(2) [Reserved]

(3) An owner or operator of a stationary source who is in the relevant source category and who determines that the source is not subject to a relevant standard or other requirement established under this part must keep a record as specified in §§63.10(b)(3).

(c) *Applicability of this part after a relevant standard has been set under this part.* (1) If a relevant standard has been established under this part, the owner or operator of an affected source must comply with the provisions of that standard and of this subpart as provided in paragraph (a)(4) of this section.

(2) Except as provided in §§63.10(b)(3), if a relevant standard has been established under this part, the owner or operator of an affected source may be required to obtain a title V permit from a permitting authority in the State

in which the source is located. Emission standards promulgated in this part for area sources pursuant to section 112(c)(3) of the Act will specify whether——

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

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

(iii) If a standard fails to specify what the permitting requirements will be for area sources affected by such a standard, then area sources that are subject to the standard will be subject to the requirement to obtain a title V permit without any deferral.

(3)—(4) [Reserved]

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

(d) [Reserved]

(e) If the Administrator promulgates an emission standard under section 112(d) or (h) of the Act that is applicable to a source subject to an emission limitation by permit established under section 112(j) of the Act, and the requirements under the section 112(j) emission limitation are substantially as effective as the promulgated emission standard, the owner or operator may request the permitting authority to revise the source's title V permit to reflect that the emission limitation in the permit satisfies the requirements of the promulgated emission standard. The process by which the permitting authority determines whether the section 112(j) emission limitation is substantially as effective as the promulgated emission standard must include, consistent with part 70 or 71 of this chapter, the opportunity for full public, EPA, and affected State review (including the opportunity for EPA's objection) prior to the permit revision being finalized. A negative determination by the permitting authority constitutes final action for purposes of review and appeal under the applicable title V operating permit program.

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16595, Apr. 5, 2002]

§§ 63.2 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or

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

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

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

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

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

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

Effective date means:

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

(2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part.

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

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

EPA means the United States Environmental Protection Agency.

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

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

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

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

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

(2) New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990;

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

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

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

(6) Limitations and conditions that are part of an operating permit where the permit and the permitting program pursuant to which it was issued meet all of the following criteria:

(i) The operating permit program has been submitted to and approved by EPA into a State implementation plan (SIP) under section 110 of the CAA;

(ii) The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not ““federally enforceable”” by EPA;

(iii) The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements

contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise ““federally enforceable””;

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

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

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

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

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

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

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

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

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

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Monitoring means the collection and use of measurement data or other information to control the operation of a process or pollution control device or to verify a work practice standard relative to assuring compliance with applicable requirements. Monitoring is composed of four elements:

(1) Indicator(s) of performance——the parameter or parameters you measure or observe for demonstrating proper operation of the pollution control measures or compliance with the applicable emissions limitation or standard. Indicators of performance may include direct or predicted emissions measurements (including opacity), operational parametric values that correspond to process or control device (and capture system) efficiencies or emissions rates, and recorded findings of inspection of work practice activities, materials tracking, or design characteristics. Indicators may be expressed as a single maximum or minimum value, a

function of process variables (for example, within a range of pressure drops), a particular operational or work practice status (for example, a damper position, completion of a waste recovery task, materials tracking), or an interdependency between two or among more than two variables.

(2) Measurement techniques——the means by which you gather and record information of or about the indicators of performance. The components of the measurement technique include the detector type, location and installation specifications, inspection procedures, and quality assurance and quality control measures. Examples of measurement techniques include continuous emission monitoring systems, continuous opacity monitoring systems, continuous parametric monitoring systems, and manual inspections that include making records of process conditions or work practices.

(3) Monitoring frequency——the number of times you obtain and record monitoring data over a specified time interval. Examples of monitoring frequencies include at least four points equally spaced for each hour for continuous emissions or parametric monitoring systems, at least every 10 seconds for continuous opacity monitoring systems, and at least once per operating day (or week, month, etc.) for work practice or design inspections.

(4) Averaging time——the period over which you average and use data to verify proper operation of the pollution control approach or compliance with the emissions limitation or standard. Examples of averaging time include a 3-hour average in units of the emissions limitation, a 30-day rolling average emissions value, a daily average of a control device operational parametric range, and an instantaneous alarm.

New affected source means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory that is subject to a section 112(d) or other relevant standard for new sources. This definition of ““new affected source,”” and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term ““new affected source,”” which will be the same as the ““affected source”” unless a different collection is warranted based on consideration of factors including:

(1) Emission reduction impacts of controlling individual sources versus groups of sources;

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

(6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);

(7) Feasibility and cost of monitoring; and (8) Other relevant factors.

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

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

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

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

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

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

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

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

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

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

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

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

Pollution Prevention means *source reduction* as defined under the Pollution Prevention Act (42 U.S.C. 13101—13109). The definition is as follows:

(1) *Source reduction* is any practice that:

(i) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

(2) The term *source reduction* includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(3) The term *source reduction* does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

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

Reconstruction, unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:

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

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

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

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

(4) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the collection of equipment, activities, or both regulated by such standard or limitation. A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the Administrator (or a State) establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes subpart A of this part, as provided by §§63.1(a)(4), and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:

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

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

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

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

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

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

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

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

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

Source at a Performance Track member facility means a major or area source located at a facility which has been accepted by EPA for membership in the Performance Track Program (as described at *www.epa.gov/PerformanceTrack*) and is still a member of the Program. The Performance Track Program is a voluntary program that encourages continuous environmental improvement through the use of environmental management systems, local community outreach, and measurable results.

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

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

State means all non-Federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement: (1) The provisions of this part and/or (2) the permit program established under part 70 of this chapter. The term State shall have its conventional meaning where clear from the context.

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

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

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

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

Working day means any day on which Federal Government offices (or State government offices for a State that has obtained delegation under section 112(l)) are open for normal business. Saturdays, Sundays, and official Federal (or where delegated, State) holidays are not working days.

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16596, Apr. 5, 2002; 68 FR 32600, May 30, 2003; 69 FR 21752, Apr. 22, 2004]

§§ 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 ΩO = ohm μμg = microgram = 10−-6 gram μμl = microliter = 10−-6 liter

(b) *Other units of measure:*

Btu = British thermal unit °˚C = degree Celsius (centigrade) cal = calorie cfm = cubic feet per minute cc = cubic centimeter cu ft = cubic feet d = day dcf = dry cubic feet dcm = dry cubic meter dscf = dry cubic feet at standard conditions dscm = dry cubic meter at standard conditions eq = equivalent °˚F degree Fahrenheit ft = feet ft 2 = square feet ft 3 = cubic feet gal = gallon gr = grain g-eq = gram equivalent g-mole = gram mole hr = hour in. = inch in. H2 O = inches of water K = 1,000 kcal = kilocalorie lb = pound lpm = liter per minute meq = milliequivalent min = minute MW = molecular weight oz = ounces ppb = parts per billion ppbw = parts per billion by weight ppbv = parts per billion by volume ppm = parts per million ppmw = parts per million by weight ppmv = parts per million by volume psia = pounds per square inch absolute psig = pounds per square inch gage °˚R = degree Rankine scf = cubic feet at standard conditions scfh = cubic feet at standard conditions per hour scm = cubic meter at standard conditions scmm = cubic meter at standard conditions per minute sec = second sq ft = square feet std = at standard conditions v/v = volume per volume yd 2 = square yards yr = year

(c) *Miscellaneous:*

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16598, Apr. 5, 2002]

§§ 63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.* (1) No owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under section 112(i)(4) of the Act.

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

(3)—(5) [Reserved]

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

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

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

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16598, Apr. 5, 2002]

§§ 63.5 Preconstruction review and notification requirements.

(a) *Applicability.* (1) This section implements the preconstruction review requirements of section 112(i)(1). After the effective date of a relevant standard, promulgated pursuant to section 112(d), (f), or (h) of the Act, under this part, the preconstruction review requirements in this section apply to the owner or operator of new affected sources and reconstructed affected sources that are major-emitting as specified in this section. New and reconstructed affected sources that commence construction or reconstruction before the effective date of a relevant standard are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

(2) This section includes notification requirements for new affected sources and reconstructed affected sources that are not major-emitting affected sources and that are or become subject to a relevant promulgated emission standard after the effective date of a relevant standard promulgated under this part.

(b) *Requirements for existing, newly constructed, and reconstructed sources.* (1) A new affected source for which construction commences after proposal of a relevant standard is subject to relevant standards for new affected sources, including compliance dates. An affected source for which reconstruction commences after proposal of a relevant standard is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

(2) [Reserved]

(3) After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures specified in paragraphs (d) and (e) of this section, do any of the following:

(i) Construct a new affected source that is major-emitting and subject to such standard;

(ii) Reconstruct an affected source that is major-emitting and subject to such standard; or

(iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

(4) After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source

that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in §§63.9(b).

(5) [Reserved]

(6) After the effective date of any relevant standard promulgated by the Administrator under this part, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard must be considered part of the affected source and subject to all provisions of the relevant standard established for that affected source.

(c) [Reserved]

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

(1) *General application requirements.* (i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section must submit to the Administrator an application for approval of the construction or reconstruction. The application must be submitted as soon as practicable before actual construction or reconstruction begins. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of §§63.9(b)(5). The owner or operator may submit the application for approval well in advance of the date actual construction or reconstruction begins in order to ensure a timely review by the Administrator and that the planned date to begin will not be delayed.

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

(A) The applicant's name and address;

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

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

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

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

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

(G) [Reserved]

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

(I) [Reserved]

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

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

(2) *Application for approval of construction.* Each application for approval of construction must include, in addition to the information required in paragraph (d)(1)(ii) of this section, technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including an identification of each type of emission point for each type of hazardous air pollutant that is emitted (or could reasonably be anticipated to be emitted) and a description of the planned air pollution control system (equipment or method) for each emission point. The description of the equipment to be used for the control of emissions must include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions must include an estimated control efficiency (percent) for that method. Such technical information must include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations.

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

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

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

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

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

(v) A discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements. The discussion shall be sufficiently detailed to demonstrate to the Administrator's satisfaction that the technical or economic limitations affect the source's ability to comply with the relevant standard and how they do so.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A final determination to deny any application for approval will be in writing and will specify the grounds on which the denial is based. The final determination will be made within 60 calendar days of presentation of additional information or arguments (if the application is complete), or within 60 calendar days after the final date specified for presentation if no presentation is made.

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

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

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

(f) *Approval of construction or reconstruction based on prior State preconstruction review.* (1) Preconstruction review procedures that a State utilizes for other purposes may also be utilized for purposes of this section if the procedures are substantially equivalent to those specified in this section. The Administrator will approve an application for construction or reconstruction specified in paragraphs (b)(3) and (d) of this section if the owner or operator of a new affected source or reconstructed affected source, who is subject to such requirement meets the following conditions:

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

(ii) Provide a statement from the State or other evidence (such as State regulations) that it considered the factors specified in paragraph (e)(1) of this section.

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16598, Apr. 5, 2002]

§§ 63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.*

(1) The requirements in this section apply to the owner or operator of affected sources for which any relevant standard has been established pursuant to section 112 of the Act and the applicability of such requirements is set out in accordance with §§63.1(a)(4) unless——

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

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

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

(b) *Compliance dates for new and reconstructed sources.* (1) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source for which construction or reconstruction commences after proposal of a relevant standard that has an initial startup before the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard not later than the standard's effective date.

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

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

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

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

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

(5) The owner or operator of a new source that is subject to the compliance requirements of paragraph (b)(3) or (4) of this section must notify the Administrator in accordance with §§63.9(d)

(6) [Reserved]

(7) When an area source becomes a major source by the addition of equipment or operations that meet the definition of new affected source in the relevant standard, the portion of the existing facility that is a new affected source must comply with all requirements of that standard applicable to new sources. The source owner or operator must comply with the relevant standard upon startup.

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

(2) If an existing source is subject to a standard established under this part pursuant to section 112(f) of the Act, the owner or operator must comply with the standard by the date 90 days after the standard's effective date, or by the date specified in an extension granted to the source by the Administrator under paragraph (i)(4)(ii) of this section, whichever is later.

(3)—(4) [Reserved]

(5) Except as provided in paragraph (b)(7) of this section, the owner or operator of an area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources. Such sources must comply by the date specified in the standards for existing area sources that become major sources. If no such compliance date is specified in the standards, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in the relevant standard for existing sources in existence at the time the standard becomes effective.

(d) [Reserved]

(e) *Operation and maintenance requirements.*

(1)(i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

(ii) Malfunctions must be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.

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

(2) [Reserved]

(3) *Startup, shutdown, and malfunction plan.* (i) The owner or operator of an affected source must develop and implement a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction, and a program of corrective action for malfunctioning process and air pollution control and monitoring equipment used to comply with the relevant standard. This plan must be developed by the owner or operator by the source's compliance date for that relevant standard. The purpose of the startup, shutdown, and malfunction plan is to——

(A) Ensure that, at all times, the owner or operator operates and maintains each affected source, including associated air pollution control and monitoring equipment, in a manner which satisfies the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

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

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

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

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

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

(v) The owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the startup, shutdown, and malfunction plan is subsequently revised as provided in paragraph (e)(3)(viii) of this section, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption of a startup, shutdown, and malfunction plan the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator. The Administrator may at any time request in writing that the owner or operator submit a copy of any startup, shutdown, and malfunction plan (or a portion thereof) which is maintained at the affected source or in the possession of the owner or operator. Upon receipt of such a request, the owner or operator must promptly submit a copy of the requested plan (or a portion thereof) to the Administrator. The Administrator must request that the owner or operator submit a particular startup, shutdown, or malfunction plan (or a portion thereof) whenever a member of the public submits a specific and reasonable request to examine or to receive a copy of that plan or portion of a plan. The owner or operator may elect to submit the required copy of any startup, shutdown, and malfunction plan to the Administrator in an electronic format. If the owner or operator claims that any portion of such a startup, shutdown, and malfunction plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40 CFR 2.301, the material which is claimed as confidential must be clearly designated in the submission.

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

(vii) Based on the results of a determination made under paragraph (e)(1)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator must require appropriate revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

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

(B) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

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

(D) Includes an event that does not meet the definition of startup, shutdown, or malfunction listed in §§63.2.

(viii) The owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator

may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §§63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.

(ix) The title V permit for an affected source must require that the owner or operator adopt a startup, shutdown, and malfunction plan which conforms to the provisions of this part, and that the owner or operator operate and maintain the source in accordance with the procedures specified in the current startup, shutdown, and malfunction plan. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under part 70 or part 71 of this chapter. Moreover, none of the procedures specified by the startup, shutdown, and malfunction plan for an affected source shall be deemed to fall within the permit shield provision in section 504(f) of the Act.

(f) *Compliance with nonopacity emission standards*—— (1) *Applicability.* The non-opacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the non-opacity emission standards set forth in this part, then that emission point must still be required to comply with the non-opacity emission standards and other applicable requirements.

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

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

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

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

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

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

(D) The performance test was appropriately quality-assured, as specified in §§63.7(c).

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

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

(3) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with a non-opacity emission standard, as specified in paragraphs (f)(1) and (2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable), and information available to the Administrator pursuant to paragraph (e)(1)(i) of this section.

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

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

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

(h) *Compliance with opacity and visible emission standards*——(1) *Applicability.* The opacity and visible emission standards set forth in this part must apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the opacity and visible emission standards set forth in this part, then that

emission point shall still be required to comply with the opacity and visible emission standards and other applicable requirements.

(2) *Methods for determining compliance.* (i) The Administrator will determine compliance with opacity and visible emission standards in this part based on the results of the test method specified in an applicable subpart. Whenever a continuous opacity monitoring system (COMS) is required to be installed to determine compliance with numerical opacity emission standards in this part, compliance with opacity emission standards in this part shall be determined by using the results from the COMS. Whenever an opacity emission test method is not specified, compliance with opacity emission standards in this part shall be determined by conducting observations in accordance with Test Method 9 in appendix A of part 60 of this chapter or the method specified in paragraph (h)(7)(ii) of this section. Whenever a visible emission test method is not specified, compliance with visible emission standards in this part shall be determined by conducting observations in accordance with Test Method 22 in appendix A of part 60 of this chapter.

(ii) [Reserved]

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

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

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

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

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

(3) [Reserved]

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

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

(i) For the purpose of demonstrating initial compliance, opacity or visible emission observations shall be conducted concurrently with the initial performance test required in §§63.7 unless one of the following conditions applies:

(A) If no performance test under §§63.7 is required, opacity or visible emission observations shall be conducted within 60 days after achieving the maximum production rate at which a new or reconstructed source will be

operated, but not later than 120 days after initial startup of the source, or within 120 days after the effective date of the relevant standard in the case of new sources that start up before the standard's effective date. If no performance test under §§63.7 is required, opacity or visible emission observations shall be conducted within 120 days after the compliance date for an existing or modified source; or

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

(ii) For the purpose of demonstrating initial compliance, the minimum total time of opacity observations shall be 3 hours (30 6-minute averages) for the performance test or other required set of observations (e.g., for fugitive-type emission sources subject only to an opacity emission standard).

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

(iv) [Reserved]

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

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

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

(ii) Whenever an opacity emission test method has not been specified in an applicable subpart, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see appendix A of part 60 of this chapter), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under §§63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under §§63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance

tests required under §§63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under §§63.7(b) of the date the subsequent performance test is scheduled to begin.

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

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

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

(8) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with an opacity or visible emission standard upon obtaining all the compliance information required by the relevant standard (including the written reports of the results of the performance tests required by §§63.7, the results of Test Method 9 or another required opacity or visible emission test method, the observer certification required by paragraph (h)(6) of this section, and the continuous opacity monitoring system results, whichever is/are applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

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

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

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

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

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

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

concentration emission standard. The Administrator will promulgate the new opacity emission standard in the Federal Register.

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

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

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

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

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

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

(B) Any request under this paragraph for an extension of compliance with a relevant standard must be submitted in writing to the appropriate authority no later than 120 days prior to the affected source's compliance date (as specified in paragraphs (b) and (c) of this section), except as provided for in paragraph (i)(4)(i)(C) of

this section. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the date of denial. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.

(C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B) of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator. This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph must be submitted in writing to the Administrator not later than 90 calendar days after the effective date of the relevant standard.

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

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

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

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

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

(*2*) The date by which final compliance is to be achieved.

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

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

(C)——(D)

(ii) The request for a compliance extension under paragraph (i)(5) of this section shall include all information needed to demonstrate to the Administrator's satisfaction that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

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

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

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

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

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

(ii) Specify the termination date of the extension;

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

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

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

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

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

(12)(i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her

application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete.

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

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

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

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

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

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

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

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

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

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

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

(14) The Administrator (or the State with an approved permit program) may terminate an extension of compliance at an earlier date than specified if any specification under paragraph (i)(10)(iii) or (iv) of this section is not met. Upon a determination to terminate, the Administrator will notify, in writing, the owner or operator of the Administrator's determination to terminate, together with:

(i) Notice of the reason for termination; and

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

(iii) A final determination to terminate an extension of compliance will be in writing and will set forth the specific grounds on which the termination is based. The final determination will be made within 30 calendar days after presentation of additional information or arguments, or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(15) [Reserved]

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

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16599, Apr. 5, 2002; 68 FR 32600, May 30, 2003]

§§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.* (1) The applicability of this section is set out in §§63.1(a)(4).

(2) If required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for such source.

(i)—(viii) [Reserved]

(ix) When an emission standard promulgated under this part is more stringent than the standard proposed (see §§63.6(b)(3)), the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the

proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

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

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

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section due to unforeseeable circumstances beyond his or her control, the owner or operator must notify the Administrator as soon as practicable and without delay prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of this part or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

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

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

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.

(iii) The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by the Administrator and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

(v) The Administrator may request additional relevant information after the submittal of a site-specific test plan.

(3) *Approval of site-specific test plan.* (i) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (c)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intention to disapprove the plan together with——

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

(B) Notice of opportunity for the owner or operator to present, within 30 calendar days after he/she is notified of the intended disapproval, additional information to the Administrator before final action on the plan.

(ii) In the event that the Administrator fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (c)(3)(i) of this section, the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard or with only minor changes to those tests methods (see paragraph (e)(2)(i) of this section), the owner or operator must conduct the performance test within the time specified in this section using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or after the alternative method is approved (see paragraph (f) of this section). However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval 45 days after submission of the site-specific test plan or request to use an alternative method. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

(iii) Neither the submission of a site-specific test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall——

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

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

(4)(i) *Performance test method audit program.* The owner or operator must analyze performance audit (PA) samples during each performance test. The owner or operator must request performance audit materials 30 days

prior to the test date. Audit materials including cylinder audit gases may be obtained by contacting the appropriate EPA Regional Office or the responsible enforcement authority.

(ii) The Administrator will have sole discretion to require any subsequent remedial actions of the owner or operator based on the PA results.

(iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.

(d) *Performance testing facilities.* If required to do performance testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source, shall provide performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such source. This includes:

(i) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures; and

(ii) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;

(2) Safe sampling platform(s);

(3) Safe access to sampling platform(s);

(4) Utilities for sampling and testing equipment; and

(5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.

(e) *Conduct of performance tests.* (1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under §§63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator——

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in §§63.90(a)). Such changes may be approved in conjunction with approval of the site-specific test plan (see paragraph (c) of this section); or

(ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in §§63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or

(iii) Approves shorter sampling times or smaller sample volumes when necessitated by process variables or other factors; or

(iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.

(3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that——

(i) A sample is accidentally lost after the testing team leaves the site; or

(ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or

(iii) Extreme meteorological conditions occur; or

(iv) Other circumstances occur that are beyond the owner or operator's control.

(4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(f) *Use of an alternative test method*——(1)*General.* Until authorized to use an intermediate or major change or alternative to a test method, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator——

(i) Notifies the Administrator of his or her intention to use an alternative test method at least 60 days before the performance test is scheduled to begin;

(ii) Uses Method 301 in appendix A of this part to validate the alternative test method. This may include the use of specific procedures of Method 301 if use of such procedures are sufficient to validate the alternative test method; and

(iii) Submits the results of the Method 301 validation process along with thnotification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.

(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate and issue an approval or disapproval of the alternative test method. If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method. However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval/disapproval 45 days after submission of the request to use an alternative method and the request satisfies the requirements in paragraph (f)(2) of this section. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

(4) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the Administrator may require the use of a test method specified in a relevant standard.

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under §§63.7(f).

(6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the requirements of this part.

(g) *Data analysis, recordkeeping, and reporting.* (1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is ““completed”” when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator (see §§63.9(i)). The results of the performance test shall be submitted as part of the notification of compliance status required under §§63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) [Reserved]

(3) For a minimum of 5 years after a performance test is conducted, the owner or operator shall retain and make available, upon request, for inspection by the Administrator the records or results of such performance test and other data needed to determine emissions from an affected source.

(h) *Waiver of performance tests.* (1) Until a waiver of a performance testing requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Individual performance tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the relevant standard(s) on a continuous basis, or the source is being operated under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) *Request to waive a performance test.* (i) If a request is made for an extension of compliance under §§63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested an extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test if the site-specific test plan under paragraph (c) of this section is not submitted.

(ii) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring system performance report [such as those required under §§63.6(i), §§63.9(h), and §§63.10(e) or specified in a relevant standard or in the source's title V permit], but it shall be submitted at least 60 days before the performance test if the site-specific test plan required under paragraph (c) of this section is not submitted.

(iii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test.

(4) *Approval of request to waive performance test.* The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (h)(3) of this section when he/she——

(i) Approves or denies an extension of compliance under §§63.6(i)(8); or

(ii) Approves or disapproves a site-specific test plan under §§63.7(c)(3); or

(iii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iv) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

[59 FR 12430, Mar. 16, 1994, as amended at 65 FR 62215, Oct. 17, 2000; 67 FR 16602, Apr. 5, 2002]

§§ 63.8 Monitoring requirements.

(a) *Applicability.* (1) The applicability of this section is set out in §§63.1(a)(4).

(2) For the purposes of this part, all CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in §§63.11.

(b) *Conduct of monitoring.* (1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator——

(i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures (see §§63.90(a) for definition); or

(ii) Approves the use of an intermediate or major change or alternative to any monitoring requirements or procedures (see §§63.90(a) for definition).

(iii) Owners or operators with flares subject to §§63.11(b) are not subject to the requirements of this section unless otherwise specified in the relevant standard.

(2)(i) When the emissions from two or more affected sources are combined before being released to the atmosphere, the owner or operator may install an applicable CMS for each emission stream or for the combined emissions streams, provided the monitoring is sufficient to demonstrate compliance with the relevant standard.

(ii) If the relevant standard is a mass emission standard and the emissions from one affected source are released to the atmosphere through more than one point, the owner or operator must install an applicable CMS at each emission point unless the installation of fewer systems is——

(A) Approved by the Administrator; or

(B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

(3) When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, the owner or operator shall report the results from the CMS used to meet the monitoring requirements of this part. If both such CMS are used during a particular reporting period to meet the monitoring requirements of this part, then the owner or operator shall report the results from each CMS for the relevant compliance period.

(c) *Operation and maintenance of continuous monitoring systems.* (1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices. (i) The owner or operator of an affected source must maintain and operate each CMS as specified in §§63.6(e)(1).

(ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.

(iii) The owner or operator of an affected source must develop and implement a written startup, shutdown, and malfunction plan for CMS as specified in §§63.6(e)(3).

(2)(i) All CMS must be installed such that representative measures of emissions or process parameters from the affected source are obtained. In addition, CEMS must be located according to procedures contained in the applicable performance specification(s).

(ii) Unless the individual subpart states otherwise, the owner or operator must ensure the read out (that portion of the CMS that provides a visual display or record), or other indication of operation, from any CMS required for compliance with the emission standard is readily accessible on site for operational control or inspection by the operator of the equipment.

(3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under §§63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(5) Unless otherwise approved by the Administrator, minimum procedures for COMS shall include a method for producing a simulated zero opacity condition and an upscale (high-level) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of all the analyzer's internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity.

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

(7)(i) A CMS is out of control if——

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or

(B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or

(C) The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.

(ii) When the CMS is out of control, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests which indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the CMS is out of control, recorded data shall not be used in data averages and calculations, or to meet any data availability requirement established under this part.

(8) The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in §§63.10(e)(3).

(d) *Quality control program.* (1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

(2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

(i) Initial and any subsequent calibration of the CMS;

(ii) Determination and adjustment of the calibration drift of the CMS;

(iii) Preventive maintenance of the CMS, including spare parts inventory;

(iv) Data recording, calculations, and reporting;

(v) Accuracy audit procedures, including sampling and analysis methods; and

(vi) Program of corrective action for a malfunctioning CMS.

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection,

upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

(e) *Performance evaluation of continuous monitoring systems*——(1) *General.* When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.

(2) *Notification of performance evaluation.* The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under §§63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

(3)(i) *Submission of site-specific performance evaluation test plan.* Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).

(iv) The Administrator may request additional relevant information after the submittal of a site-specific performance evaluation test plan.

(v) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in §§63.7(c)(3), the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the relevant standard, the owner or operator shall conduct the performance evaluation within the time specified in this subpart using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance

evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Administrator approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance evaluation as required in this section (without the Administrator's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.

(vi) Neither the submission of a site-specific performance evaluation test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator'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) *Conduct of performance evaluation and performance evaluation dates.* The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under §§63.7 in accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under §§63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before the performance test required under §§63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under §§63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in §§63.7(a), or as otherwise specified in the relevant standard.

(5) *Reporting performance evaluation results.* (i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation simultaneously with the results of the performance test required under §§63.7 or within 60 days of completion of the performance evaluation if no test is required, unless otherwise specified in a relevant standard. The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §§63.7 and described in §§63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under §§63.7 is conducted.

(f) *Use of an alternative monitoring method.*——(1) *General.* Until permission to use an alternative monitoring procedure (minor, intermediate, or major changes; see definition in §§63.90(a)) has been granted by the Administrator under this paragraph (f)(1), the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring methods or procedures of this part including, but not limited to, the following:

(i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;

(ii) Alternative monitoring requirements when the affected source is infrequently operated;

(iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;

(iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;

(v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;

(vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;

(vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;

(viii) Alternative CMS that do not meet the design or performance requirements in this part, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The Administrator may require that such demonstration be performed for each affected source; or

(ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.

(3) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the Administrator may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.

(4)(i) *Request to use alternative monitoring procedure.* An owner or operator who wishes to use an alternative monitoring procedure must submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section. The application may be submitted at any time provided that the monitoring procedure is not the performance test method used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring procedure will serve as the performance test method that is to be used to demonstrate compliance with a relevant standard, the application must be submitted at least 60 days before the performance evaluation is scheduled to begin and must meet the requirements for an alternative test method under §§63.7(f).

(ii) The application must contain a description of the proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in §§63.2 and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application must include information

justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

(iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (f)(4)(i) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this section or the relevant standard.

(iv) Application for minor changes to monitoring procedures, as specified in paragraph (b)(1) of this section, may be made in the site-specific performance evaluation plan.

(5) *Approval of request to use alternative monitoring procedure.*

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. If a request for a minor change is made in conjunction with site-specific performance evaluation plan, then approval of the plan will constitute approval of the minor change. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with——

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

(B) Notice of opportunity for the owner or operator to present additional information to the Administrator before final action on the request. At the time the Administrator notifies the applicant of his or her intention to disapprove the request, the Administrator will specify how much time the owner or operator will have after being notified of the intended disapproval to submit the additional information.

(ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by §§63.8(f).

(6) *Alternative to the relative accuracy test.* An alternative to the relative accuracy test for CEMS specified in a relevant standard may be requested as follows:

(i) *Criteria for approval of alternative procedures.* An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in §§63.7, or other tests performed following the criteria in §§63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level

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

(ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

(iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

(g) *Reduction of monitoring data.* (1) The owner or operator of each CMS must reduce the monitoring data as specified in paragraphs (g)(1) through (5) of this section.

(2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in §§63.2.

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O2 or ng/J of pollutant).

(4) All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments must not be included in any data average computed under this part. For the owner or operator complying with the requirements of §§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; 67 FR 16603, Apr. 5, 2002]

§§ 63.9 Notification requirements.

(a) *Applicability and general information.* (1) The applicability of this section is set out in §§63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(4)(i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §§63.13).

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

(b) *Initial notifications.* (1)(i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

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

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under §§63.5(d) of this subpart, if relevant, to fulfill the initial notification requirements of this paragraph.

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of

the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

(iv) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and

(v) A statement of whether the affected source is a major source or an area source. (3) [Reserved]

(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under §§63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in §§63.5(d)(1)(i); and

(ii)—(iv) [Reserved]

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under §§63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and

(ii) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in §§63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in §§63.5(d)(1)(i).

(c) *Request for extension of compliance.* If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with §§63.6(i)(5) of this subpart, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in §§63.6(i)(4) through §§63.6(i)(6).

(d) *Notification that source is subject to special compliance requirements.* An owner or operator of a new source that is subject to special compliance requirements as specified in §§63.6(b)(3) and §§63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) *Notification of performance test.* The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under §§63.7(c), if requested by the Administrator, and to have an observer present during the test.

(f) *Notification of opacity and visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in §§63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §§63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.

(g) *Additional notification requirements for sources with continuous monitoring systems.* The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

(1) A notification of the date the CMS performance evaluation under §§63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under §§63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under §§63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;

(2) A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test required by §§63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by §§63.6(h)(7)(ii), if compliance with an opacity emission standard is required for the source by a relevant standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by §§63.8(f)(6), has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

(h) *Notification of compliance status.* (1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

(2)(i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list——

(A) The methods that were used to determine compliance;

(B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

(C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

(F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in §§63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of §§63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.* (1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16604, Apr. 5, 2002; 68 FR 32601, May 30, 2003]

§§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information.* (1) The applicability of this section is set out in §§63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4)(i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §§63.13).

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in §§63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in §§63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in §§63.9(i).

(b) *General recordkeeping requirements.* (1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of——

(i) The occurrence and duration of each startup, shutdown, or malfunction of operation (i.e., process equipment);

(ii) The occurrence and duration of each malfunction of the required air pollution control and monitoring equipment;

(iii) All required maintenance performed on the air pollution control and monitoring equipment;

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §§63.6(e)(3));

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

(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this 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 §§63.8(f)(6); and

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

(3) *Recordkeeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under §§63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems.* In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of——

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2)—(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) The date and time identifying each period during which the CMS was out of control, as defined in §§63.8(c)(7);

(7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(9) [Reserved]

(10) The nature and cause of any malfunction (if known);

(11) The corrective action taken or preventive measures adopted;

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(13) The total process operating time during the reporting period; and

(14) All procedures that are part of a quality control program developed and implemented for CMS under §§63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in §§63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) *General reporting requirements.* (1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, and except as provided in §§63.16, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under §§63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under §§63.9(h).

(3) *Reporting results of opacity or visible emission observations.* The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under §§63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under §§63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

(4) *Progress reports.* The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under §§63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(5)(i) *Periodic startup, shutdown, and malfunction reports.* If actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan (see §§63.6(e)(3)), the owner or operator shall state such information in a startup, shutdown, and malfunction report. Such a report shall identify any instance where any action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the affected source's startup, shutdown, and malfunction plan, but the source does not exceed any applicable emission limitation in the relevant emission standard. Such a report shall also include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) *Immediate startup, shutdown, and malfunction reports.* Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the

end of the event. The immediate report required under this paragraph (d)(5)(ii) shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred. Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph (d)(5)(ii) are specified in §§63.9(i).

(e) *Additional reporting requirements for sources with continuous monitoring systems*——(1) *General.* When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.

(2) *Reporting results of continuous monitoring system performance evaluations.* (i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under §§63.8(e), simultaneously with the results of the performance test required under §§63.7, unless otherwise specified in the relevant standard.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §§63.7 and described in §§63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under §§63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under §§63.7 is conducted.

(3) *Excess emissions and continuous monitoring system performance report and summary report.* (i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when——

(A) More frequent reporting is specifically required by a relevant standard;

(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

(C) [Reserved]

(D) The affected source is complying with the Performance Track Provisions of §§63.16, which allows less frequent reporting.

(ii) *Request to reduce frequency of excess emissions and continuous monitoring system performance reports.* Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring

system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in §§63.8(c)(7) and §§63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

(vi) *Summary report.* As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant

standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled ““Summary Report——Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance”” and shall contain the following information:

(A) The company name and address of the affected source;

(B) An identification of each hazardous air pollutant monitored at the affected source;

(C) The beginning and ending dates of the reporting period;

(D) A brief description of the process units;

(E) The emission and operating parameter limitations specified in the relevant standard(s);

(F) The monitoring equipment manufacturer(s) and model number(s);

(G) The date of the latest CMS certification or audit;

(H) The total operating time of the affected source during the reporting period;

(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

(J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;

(K) A description of any changes in CMS, processes, or controls since the last reporting period;

(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and

(M) The date of the report.

(vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period,

both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

(4) *Reporting continuous opacity monitoring system data produced during a performance test.* The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under §§63.7 and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in paragraph (d)(2) of this section.

(f) *Waiver of recordkeeping or reporting requirements.* (1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under §§63.6(i), any required compliance progress report or compliance status report required under this part (such as under §§63.6(i) and §§63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she——

(i) Approves or denies an extension of compliance; or

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16604, Apr. 5, 2002; 68 FR 32601, May 30, 2003; 69 FR 21752, Apr. 22, 2004.

§§ 63.11 Control device requirements.

(a) *Applicability.* The applicability of this section is set out in §§63.1(a)(4).

(b) *Flares.* (1) Owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

(2) Flares shall be steam-assisted, air-assisted, or non-assisted.

(3) Flares shall be operated at all times when emissions may be vented to them.

(4) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.

(5) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(6) An owner/operator has the choice of adhering to the heat content specifications in paragraph (b)(6)(ii) of this section, and the maximum tip velocity specifications in paragraph (b)(7) or (b)(8) of this section, or adhering to the requirements in paragraph (b)(6)(i) of this section.

(i)(A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume) or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity Vmax, as determined by the following equation:

Vmax=(XH2−-K1)* K2

Where:

Vmax=Maximum permitted velocity, m/sec. K1=Constant, 6.0 volume-percent hydrogen. K2=Constant, 3.9(m/sec)/volume-percent hydrogen. XH2=The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946—77. (Incorporated by reference as specified in §§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:

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Where:

HT=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= Image Not Available

where the standard temperature for (g-mole/scm) is 20 °˚C. Ci=Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946—77 or 90 (Reapproved 1994) (incorporated by reference as specified in §§63.14). Hi=Net heat of combustion of sample component i, kcal/g-mole at 25 °˚C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382—76 or 88 or D4809—95 (incorporated by reference as specified in §§63.14) if published values are not available or cannot be calculated. n=Number of sample components.

(7)(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow rate of gas being combusted (in units of emission standard temperature and pressure), as determined by Test Method 2, 2A, 2C, or 2D in appendix A to 40 CFR part 60 of this chapter, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec), are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, less than the velocity Vmax, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, Vmax, for flares complying with this paragraph shall be determined by the following equation:

Log10(Vmax)=(HT+28.8)/31.7

Where:

Vmax=Maximum permitted velocity, m/sec. 28.8=Constant. 31.7=Constant. HT=The net heating value as determined in paragraph (b)(6) of this section.

(8) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity Vmax. The maximum permitted velocity, Vmax, for air-assisted flares shall be determined by the following equation:

Vmax=8.71 = 0.708(HT)

Where:

Vmax=Maximum permitted velocity, m/sec. 8.71=Constant. 0.708=Constant. HT=The net heating value as determined in paragraph (b)(6)(ii) of this section.

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 24444, May 4, 1998; 65 FR 62215, Oct. 17, 2000; 67 FR 16605, Apr. 5, 2002]

§§ 63.12 State authority and delegations.

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from——

(1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;

(2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or

(3) Requiring emission reductions in excess of those specified in subpart D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.

(b)(1) Section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.

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

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

§§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated in the following list of EPA Regional Offices.

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, J.F.K. Federal Building, Boston, MA 02203—2211. EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 26 Federal

Plaza, New York, NY 10278. EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103. EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee). Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303—3104. EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604—3507. EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202—2733. EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101. EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Division, 999 18th Street, 1 Denver Place, Suite 500, Denver, CO 80202—2405. EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105. EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 Sixth Avenue (OAQ—107), Seattle, WA 98101.

(b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 66061, Dec. 1, 1998; 67 FR 4184, Jan. 29, 2002; 68 FR 32601, May 30, 2003; 68 FR 35792, June 17, 2003]

§§ 63.14 Incorporations by reference.

Link to an amendment published at 69 FR 33506, June 15, 2004.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD—35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202—741—6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428—2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.

(1) ASTM D523—89, Standard Test Method for Specular Gloss, IBR approved for §§63.782.

(2) ASTM D1193—77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 306, Sections 7.1.1 and 7.4.2.

(3) ASTM D1331—89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Appendix A: Method 306B, Sections 6.2, 11.1, and 12.2.2.

(4) ASTM D1475—90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for §§63.788, Appendix A.

(5) ASTM D1946—77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for §§63.11(b)(6).

(6) ASTM D2369—93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for §§63.788, Appendix A.

(7) ASTM D2382—76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for §§63.11(b)(6).

(8) ASTM D2879—83, 96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for §§63.111 and §§63.2406.

(9) ASTM D3257—93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for §§63.786(b).

(10) ASTM 3695—88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for §§63.365(e)(1) of Subpart O.

(11) ASTM D3792—91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for §§63.788, Appendix A.

(12) ASTM D3912—80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §§63.782.

(13) ASTM D4017—90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for §§63.788, Appendix A.

(14) ASTM D4082—89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants, IBR approved for §§63.782.

(15) ASTM D4256—89, 94, Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §§63.782.

(16) ASTM D4809—95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for §§63.11(b)(6).

(17) ASTM E180—93, Standard Practice for Determining the Precision of ASTM Methods for Analysis and Testing of Industrial Chemicals, IBR approved for §§63.786(b).

(18) ASTM E260—91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§§§63.750(b)(2) and 63.786(b)(5).

(19)—(20) [Reserved]

(21) ASTM D2099—00, Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester, IBR approved for §§63.5350.

(22)—(23) [Reserved]

(24) ASTM D2697—86 (Reapproved 1998), ""Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings,"" IBR approved for §§§§63.3161(f)(1), 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(25) ASTM D6093—97 (Reapproved 2003), ""Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer,"" IBR approved for §§§§63.3161(f)(1), 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(26) ASTM D1475—98 (Reapproved 2003), ""Standard Test Method for Density of Liquid Coatings, Inks, and Related Products,"" IBR approved for §§§§63.3151(b), 63.3941(b)(4), 63.3941(c), 63.3951(c), 63.4141(b)(3), 63.4141(c), and 63.4551(c).

(27) ASTM D 6522—00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for §§63.9307(c)(2).

(28) [Reserved]

(29) ASTM D6420—99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§§§63.5799 and 63.5850.

(30) ASTM E 515—95 (Reapproved 2000), Standard Test Method for Leaks Using Bubble Emission Techniques, IBR approved for §§63.425(i)(2).

(31) ASTM D5291—02, Standard Test Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Petroleum Products and Lubricants, IBR approved for §§63.3981, appendix A.

(32) ASTM D5965—02, ""Standard Test Methods for Specific Gravity of Coating Powders,"" IBR approved for §§§§63.3151(b) and 63.3951(c).

(33) ASTM D6053—00, Standard Test Method for Determination of Volatile Organic Compound (VOC) Content of Electrical Insulating Varnishes, IBR approved for §§63.3981, appendix A.

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

(35) [Reserved]

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

(37) ASTM D5087—02, ""Standard Test Method for Determining Amount of Volatile Organic Compound (VOC) Released from Solventborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement),"" IBR approved for §§§§63.3165(e) and 63.3176, appendix A.

(38) ASTM D6266—00a, ""Test Method for Determining the Amount of Volatile Organic Compound (VOC) Released from Waterborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement),"" IBR approved for §§63.3165(e).

(c) The materials listed below are available for purchase from the American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for §§63.111 and §§63.2406.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for §§63.150(g)(3)(i)(C) of subpart G of this part.

(3) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2, Evaporative Loss From Floating-Roof Tanks (formerly API Publications 2517 and 2519), First Edition, April 1997, IBR approved for §§63.1251 of subpart GGG of this part.

(d) *State and Local Requirements.* The materials listed below are available at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC.

(1) *California Regulatory Requirements Applicable to the Air Toxics Program,* January 5, 1999, IBR approved for §§63.99(a)(5)(ii) of subpart E of this part.

(2) New Jersey's *Toxic Catastrophe Prevention Act Program,* (July 20, 1998), Incorporation By Reference approved for §§63.99 (a)(30)(i) of subpart E of this part.

(3)(i) Letter of June 7, 1999 to the U.S. Environmental Protection Agency Region 3 from the Delaware Department of Natural Resources and Environmental Control requesting formal full delegation to take over primary responsibility for implementation and enforcement of the Chemical Accident Prevention Program under Section 112(r) of the Clean Air Act Amendments of 1990.

(ii) Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Accidental Release Prevention Regulation, sections 1 through 5 and sections 7 through 14, effective January 11, 1999, IBR approved for §§63.99(a)(8)(i) of subpart E of this part.

(iii) State of Delaware Regulations Governing the Control of Air Pollution (October 2000), IBR approved for §§63.99(a)(8)(ii)—(v) of subpart E of this part.

(4) Massachusetts Regulations Applicable to Hazardous Air Pollutants (July 2002). Incorporation By Reference approved for §§63.99(a)(21)(ii) of subpart E of this part.

(5) New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003. Incorporation by Reference approved for §§63.99(a)(29)(iii) of subpart E of this part.

(e) The materials listed below are available for purchase from the National Institute of Standards and Technology, Springfield, VA 22161, (800) 553—6847.

(1) Handbook 44, Specificiations, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices 1998, IBR approved for §§63.1303(e)(3).

(2) [Reserved]

(f) The following material is available from the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P. O. Box 133318, Research Triangle Park, NC 27709—3318 or at http://www.ncasi.org: NCASI Method DI/MEOH—94.02, Methanol in Process Liquids GC/FID (Gas Chromatography/Flame Ionization Detection), August 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for §§63.457(c)(3)(ii) of subpart S of this part.

(g) The materials listed below are available for purchase from AOAC International, Customer Services, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia, 22201—3301, Telephone (703) 522—3032, Fax (703) 522—5468.

(1) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for §§63.626(d)(3)(vi).

(2) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for §§63.626(d)(3)(vi).

(3) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for §§63.626(d)(3)(vi).

(4) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution, Sixteenth edition, 1995, IBR approved for §§63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for §§63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for §§63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for §§63.626(d)(3)(vi).

(h) The materials listed below are available for purchase from The Association of Florida Phosphate Chemists, P.O. Box 1645, Bartow, Florida, 33830, Book of Methods Used and Adopted By The Association of Florida Phosphate Chemists, Seventh Edition 1991, IBR.

(1) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for §§63.606(c)(3)(ii) and §§63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus——P2O5 or Ca3(PO4)2, Method A-Volumetric Method, IBR approved for §§63.606(c)(3)(ii) and §§63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method B——Gravimetric Quimociac Method, IBR approved for §§63.606(c)(3)(ii) and §§63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method C——Spectrophotometric Method, IBR approved for §§63.606(c)(3)(ii) and §§63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method A——Volumetric Method, IBR approved for §§63.606(c)(3)(ii), §§63.626(c)(3)(ii), and §§63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method B——Gravimetric Quimociac Method, IBR approved for §§63.606(c)(3)(ii), §§63.626(c)(3)(ii), and §§63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method C——Spectrophotometric Method, IBR approved for §§63.606(c)(3)(ii), §§63.626(c)(3)(ii), and §§63.626(d)(3)(v).

(i) The following materials are available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2900, Fairfield, NJ 07007—2900; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112.

(1) ASME standard number QHO—1—1994, ““Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators,”” IBR approved for §§63.1206(c)(6)(iii).

(2) ASME standard number QHO—1a-1996 Addenda to QHO—1—1994, ““Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators,”” IBR approved for §§63.1206(c)(6)(iii).

(3) ANSI/ASME PTC 19.10—1981, ““Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus],”” IBR approved for §§§§63.865(b), 63.3166(a)(3), 63.3360(e)(1)(iii), 63.3545(a)(3), 63.3555(a)(3), 63.4166(a)(3), 63.4362(a)(3), 63.4766(a)(3), 63.4965(a)(3), 63.5160(d)(1)(iii), 63.9307(c)(2), and 63.9323(a)(3).

(j) The following material is available for purchase from: British Standards Institute, 389 Chiswick High Road, London W4 4AL, United Kingdom.

(1) BS EN 1593:1999, Non-destructive Testing: Leak Testing——Bubble Emission Techniques, IBR approved for §§63.425(i)(2).

(2) [Reserved]

(k) The following material may be obtained from U.S. EPA, Office of Solid Waste (5305W), 1200 Pennsylvania Avenue, NW., Washington, DC 20460:

(1) Method 9071B, ““n-Hexane Extractable Material(HEM) for Sludge, Sediment, and Solid Samples,”” (Revision 2, April 1998) as published in EPA Publication SW—846: ““Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.”” The incorporation by reference of Method 9071B is approved for Section 63.7824(e) of Subpart FFFFF of this part.

[59 FR 12430, Mar. 16, 1994]

Editorial Note: For Federal Register citations affecting §§63.14, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§§ 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.

§§ 63.16 Performance Track Provisions.

(a) Notwithstanding any other requirements in this part, an affected source at any major source or any area source at a Performance Track member facility, which is subject to regular periodic reporting under any subpart of this part, may submit such periodic reports at an interval that is twice the length of the regular period specified in the applicable subparts; provided, that for sources subject to permits under 40 CFR part 70 or 71 no interval so calculated for any report of the results of any required monitoring may be less frequent than once in every six months.

(b) Notwithstanding any other requirements in this part, the modifications of reporting requirements in paragraph (c) of this section apply to any major source at a Performance Track member facility which is subject to requirements under any of the subparts of this part and which has:

(1) Reduced its total HAP emissions to less than 25 tons per year;

(2) Reduced its emissions of each individual HAP to less than 10 tons per year; and

(3) Reduced emissions of all HAPs covered by each MACT standard to at least the level required for full compliance with the applicable emission standard.

(c) For affected sources at any area source at a Performance Track member facility and which meet the requirements of paragraph (b)(3) of this section, or for affected sources at any major source that meet the requirements of paragraph (b) of this section:

(1) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using add-on control technology, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is meeting the emission standard by continuing to use that control technology. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(2) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using pollution prevention, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions to levels at or below those required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(3) If the emission standard to which the affected source is subject is based on pollution prevention, and the affected source complies by using pollution prevention and reduces emissions by an additional 50 percent or greater than required by the applicable emission standard, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions by an additional 50 percent or greater than required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(4) Notwithstanding the provisions of paragraphs (c)(1) through (3), of this section, for sources subject to permits under 40 CFR part 70 or 71, the results of any required monitoring and recordkeeping must be reported not less frequently than once in every six months.

[69 FR 21753, Apr. 22, 2004]

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Subpart MMMM—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products

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Subpart MMMM—National Emission
Standards for Hazardous Air Pollutants
for Surface Coating of Miscellaneous Metal Parts and Products
What This Subpart Covers
§ 63.3880 What is the purpose of this subpart?
This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for miscellaneous
metal parts and products surface coating
facilities. This subpart also establishes
requirements to demonstrate initial and
continuous compliance with the emission limitations.
§ 63.3881 Am I subject to this subpart?
(a) Miscellaneous metal parts and products include, but are not limited to,
metal components of the following types of products as well as the products themselves: motor vehicle parts and accessories, bicycles and sporting goods, recreational vehicles, extruded aluminum structural components, railroad cars, heavy duty
trucks, medical equipment, lawn and garden equipment, electronic equipment, magnet wire, steel drums, industrial machinery, metal pipes, and
numerous other industrial, household,
and consumer products. Except as provided in paragraph (c) of this section, the source category to which this subpart applies is the surface coating of any miscellaneous metal parts
or products, as described in paragraph
(a)(1) of this section, and it includes the
subcategories listed in paragraphs (a)(2)
through (6) of this section.
(1) Surface coating is the application
of coating to a substrate using, for example, spray guns or dip tanks. When
application of coating to a substrate
occurs, then surface coating also includes associated activities, such as
surface preparation, cleaning, mixing,
and storage. However, these activities
do not comprise surface coating if they
are not directly related to the application of the coating. Coating application with handheld, nonrefillable
aerosol containers, touch-up markers, marking pens, or the application of paper film or plastic film
which may be pre-coated with an adhesive by the manufacturer are not
coating operations for the purposes of
this subpart.
(2) The general use coating subcategory includes all surface coating
operations that are not high performance, magnet wire, rubber-tometal,
or extreme performance fluoropolymer coating operations.
(3) The high performance coating subcategory includes surface coating
operations that are performed using
coatings that meet the definition of high
performance architectural coating or
high temperature coating in § 63.3981.
(4) The magnet wire coating subcategory includes surface coating
operations that are performed using
coatings that meet the definition of
magnet wire coatings in § 63.3981.
(5) The rubber-to-metal coatings subcategory includes surface coating
operations that are performed using
coatings that meet the definition of
rubber-to-metal coatings in § 63.3981.
(6) The extreme performance fluoropolymer coatings subcategory
includes surface coating operations that
are performed using coatings that meet
the definition of extreme performance
fluoropolymer coatings in § 63.3981.
(b) You are subject to this subpart if
you own or operate a new, reconstructed, or existing affected

source, as defined in § 63.3882, that uses 946 liters (250 gallons (gal)) per year, or more, of coatings that contain hazardous air pollutants (HAP) in the surface coating of miscellaneous metal parts and products defined in paragraph (a) of this section; and that is a major source, is located at a major source, or is part of a major source of emissions of HAP. A major source of HAP emissions is any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year or any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year. You do not need to include coatings that meet the definition of non-HAP coating contained in § 63.3981 in determining whether you use 946 liters (250 gal) per year, or more, of coatings in the surface coating of miscellaneous metal parts and products.

(c) This subpart does not apply to surface coating or a coating operation that meets any of the criteria of paragraphs (c)(1) through (17) of this section.

(1) A coating operation conducted at a facility where the facility uses only coatings, thinners and other additives, and cleaning materials that contain no organic HAP, as determined according to § 63.3941(a).

(2) Surface coating operations that occur at research or laboratory facilities, or is part of janitorial, building, and facility maintenance operations, or that occur at hobby shops that are operated for noncommercial purposes.

(3) Coatings used in volumes of less than 189 liters (50 gal) per year, provided that the total volume of coatings exempt under this paragraph does not exceed 946 liters (250 gal) per year at the facility.

(4) The surface coating of metal parts and products performed on-site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State) or the National Aeronautics and Space Administration, or the surface coating of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State).

(5) Surface coating where plastic is extruded onto metal wire or cable or metal parts or products to form a coating.

(6) Surface coating of metal components of wood furniture that meet the applicability criteria for wood furniture manufacturing (subpart JJ of this part).

(7) Surface coating of metal components of large appliances that meet the applicability criteria for large appliance surface coating (subpart NNNN of this part).

(8) Surface coating of metal components of metal furniture that meet the applicability criteria for metal furniture surface coating (subpart RRRR of this part).

(9) Surface coating of metal components of wood building products that meet the applicability criteria for wood building products surface coating (subpart QQQQ of this part).

(10) Surface coating of metal components of aerospace vehicles that meet the applicability criteria for

aerospace manufacturing and rework (40 CFR part 63, subpart GG).
(11) Surface coating of metal parts intended for use in an aerospace vehicle or component using specialty coatings as defined in appendix A to subpart GG of this part.
(12) Surface coating of metal components of ships that meet the applicability criteria for shipbuilding and ship repair (subpart II of this part).
(13) Surface coating of metal using a web coating process that meets the applicability criteria for paper and other web coating (subpart JJJJ of this part).
(14) Surface coating of metal using a coil coating process that meets the applicability criteria for metal coil coating (subpart SSSS of this part).
(15) Surface coating of boats or metal parts of boats (including, but not limited to, the use of assembly adhesives) where the facility meets the applicability criteria for boat manufacturing facilities (subpart VVVV of this part), except where the surface coating of the boat is a metal coating operation performed on personal watercraft or parts of personal watercraft. This subpart does apply to metal coating operations performed on personal watercraft and parts of personal watercraft.
(16) Surface coating of assembled onroad vehicles that meet the applicability criteria for the assembled on-road vehicle subcategory in plastic parts and products surface coating (40 CFR part 63, subpart PPPP).
(17) Reserved.
(d) Reserved.
(e) If you own or operate an affected source that meets the applicability criteria of this subpart and at the same facility you also perform surface coating that meets the applicability criteria of any other final surface coating NESHAP in this part you may choose to comply as specified in paragraph (e)(1), (2), or (3) of this section.
(1) You may have each surface coating operation that meets the applicability criteria of a separate NESHAP comply with that NESHAP separately.
(2) You may comply with the emission limitation representing the predominant surface coating activity at your facility, as determined according to paragraphs (e)(2)(i) through (ii) of this section. However, you may not establish high performance, rubber-to-metal, and extreme performance fluoropolymer coating operations as the predominant activity.
(i) If a surface coating operation accounts for 90 percent or more of the surface coating activity at your facility (that is, the predominant activity), then compliance with the emission limitations of the predominant activity for all surface coating operations constitutes compliance with these and other applicable surface coating NESHAP. In determining predominant activity, you must include coating activities that meet the applicability criteria of other surface coating NESHAP and constitute more than 1 percent of total coating activities at your facility. Coating activities that meet the applicability criteria of other surface coating NESHAP but comprise less than 1 percent of coating activities need not be included in the determination of predominant activity but must be included in the compliance calculation.

(ii) You must use liters (gal) of solids used as a measure of relative surface coating activity over a representative period of operation. You may estimate the relative volume of coating solids used from parameters other than coating consumption and volume solids content (*e.g.*, design specifications for the parts or products coated and the number of items produced). The determination of predominant activity must accurately reflect current and projected coating operations and must be verifiable through appropriate documentation. The use of parameters other than coating consumption and volume solids content must be approved by the Administrator. You may use data for any reasonable time period of at least 1 year in determining the relative amount of coating activity, as long as they represent the way the source will continue to operate in the future and are approved by the Administrator. You must determine the predominant activity at your facility and submit the results of that determination with the initial notification required by § 63.3910(b). You must also determine predominant activity annually and include the determination in the next semi-annual compliance report required by § 63.3920(a).

(3) You may comply with a facilityspecific emission limit calculated from the relative amount of coating activity that is subject to each emission limit. If you elect to comply using the facilityspecific emission limit alternative, then compliance with the facility-specific emission limit and the emission limitations in this subpart for all surface coating operations constitutes compliance with this and other applicable surface coating NESHAP. The procedures for calculating the facility-specific emission limit are specified in § 63.3890. In calculating a facility-specific emission limit, you must include coating activities that meet the applicability criteria of other surface coating NESHAP and constitute more than 1 percent of total coating activities at your facility. Coating activities that meet the applicability criteria of other surface coating NESHAP but comprise less than 1 percent of total coating activities need not be included in the calculation of the facility-specific emission limit. Compliance with the facility-specific emission limit and all other applicable provisions of this subpart for all surface coating operations constitutes compliance with this and all other applicable surface coating NESHAP.

§ 63.3882 What parts of my plant does this subpart cover?

(a) This subpart applies to each new, reconstructed, and existing affected source within each of the four subcategories listed in § 63.3881(a).

(b) The affected source is the collection of all of the items listed in paragraphs (b)(1) through (4) of this section that are used for surface coating of miscellaneous metal parts and products within each subcategory.

(1) All coating operations as defined in § 63.3981;

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

(3) All manual and automated equipment and containers used for conveying coatings, thinners and/or other additives, and cleaning materials; and

(4) All storage containers and all

manual and automated equipment and
containers used for conveying waste materials generated by a coating operation.
(c) An affected source is a new affected source if you commenced its construction after August 13, 2002 and
the construction is of a completely new
miscellaneous metal parts and products
surface coating facility where previously
no miscellaneous metal parts and products surface coating facility had existed.
(d) An affected source is reconstructed if it meets the criteria as
defined in § 63.2.
(e) An affected source is existing if it is not new or reconstructed.

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§ 63.3883 When do I have to comply with
this subpart?
The date by which you must comply with this subpart is called the compliance date. The compliance date
for each type of affected source is specified in paragraphs (a) through (c) of
this section. The compliance date begins
the initial compliance period during which you conduct the initial
compliance demonstration described in
§§ 63.3940, 63.3950, and 63.3960.
(a) For a new or reconstructed affected
source, the compliance date is the applicable date in paragraph (a)(1) or (2)
of this section:
(1) If the initial startup of your new
or reconstructed affected source is before January 2, 2004, the compliance
date is January 2, 2004.
(2) If the initial startup of your new
or reconstructed affected source occurs
after January 2, 2004, the compliance
date is the date of initial startup of your
affected source.
(b) For an existing affected source, the
compliance date is the date 3 years after
January 2, 2004.
(c) For an area source that increases
its emissions or its potential to emit
such that it becomes a major source of
HAP emissions, the compliance date is
specified in paragraphs (c)(1) and (2) of
this section.
(1) For any portion of the source that
becomes a new or reconstructed affected
source subject to this subpart, the
compliance date is the date of initial
startup of the affected source or January
2, 2004, whichever is later.
(2) For any portion of the source that
becomes an existing affected source
subject to this subpart, the compliance
date is the date 1 year after the area
source becomes a major source or 3
years after January 2, 2004, whichever is
later.
(d) You must meet the notification requirements in § 63.3910 according to
the dates specified in that section and
in subpart A of this part. Some of the
notifications must be submitted before
the compliance dates described in paragraphs (a) through (c) of this section.
Emission Limitations
§ 63.3890 What emission limits must I
meet?
(a) For a new or reconstructed affected
source, you must limit organic HAP
emissions to the atmosphere from the
affected source to the applicable limit
specified in paragraphs (a)(1) through
(5) of this section, except as specified in

paragraph (c) of this section, determined
according to the requirements in
§ 63.3941, § 63.3951, or § 63.3961.
(1) For each new general use coating
affected source, limit organic HAP
emissions to no more than 0.23
kilograms (kg) (1.9 pound (lb)) organic
HAP per liter (gal) coating solids used
during each 12-month compliance period.
(2) For each new high performance
coating affected source, limit organic
HAP emissions to no more than 3.3 kg
(27.5 lb) organic HAP per liter (gal)
coating solids used during each 12-
month compliance period.
(3) For each new magnet wire coating
affected source, limit organic HAP
emissions to no more than 0.050 kg
(0.44 lb) organic HAP per liter (gal)
coating solids used during each 12-
month compliance period.
(4) For each new rubber-to-metal
coating affected source, limit organic
HAP emissions to no more than 0.81 kg
(6.8 lb) organic HAP per liter (gal)
coating solids used during each 12-
month compliance period.
(5) For each new extreme performance
fluoropolymer coating affected source,
limit organic HAP emissions to no more
than 1.5 kg (12.4 lb) organic HAP per
liter (gal) coating solids used during
each 12-month compliance period.
(b) For an existing affected source,
you must limit organic HAP emissions
to the atmosphere from the affected
source to the applicable limit specified
in paragraphs (b)(1) through (5) of this
section, except as specified in paragraph
(c) of this section, determined according
to the requirements in § 63.3941,
§ 63.3951, or § 63.3961.
(1) For each existing general use
coating affected source, limit organic
HAP emissions to no more than
0.31 kg
(2.6 lb) organic HAP per liter (gal)
coating solids used during each 12-
month compliance period.
(2) For each existing high
performance coating affected source,
limit organic HAP emissions to no more
than 3.3 kg (27.5 lb) organic HAP per
liter (gal) coating solids used during
each 12-month compliance period.
(3) For each existing magnet wire
coating affected source, limit organic
HAP emissions to no more than
0.12 kg
(1.0 lb) organic HAP per liter (gal)
coating solids used during each 12-
month compliance period.
(4) For each existing rubber-to-metal
coating affected source, limit organic
HAP emissions to no more than
4.5 kg
(37.7 lb) organic HAP per liter (gal)
coating solids used during each 12-
month compliance period.
(5) For each existing extreme
performance fluoropolymer coating
affected source, limit organic HAP
emissions to no more than 1.5 kg (12.4
lbs) organic HAP per liter (gal) coating
solids used during each 12-month
compliance period.
(c) If your facility's surface coating
operations meet the applicability
criteria of more than one of the
subcategory emission limits specified in
paragraphs (a) or (b) of this section, you
may comply separately with each
subcategory emission limit or comply
using one of the alternatives in
paragraph (c)(1) or (2) of this section.
(1) If the general use or magnet wire
surface coating operations subject to
only one of the emission limits specified
in paragraphs (a)(1), (3), (b)(1), or (3) of
this section account for 90 percent or
more of the surface coating activity at

your facility (*i.e.*, it is the predominant activity at your facility), then compliance with that one emission limitations in this subpart for all surface coating operations constitutes compliance with the other applicable emission limits. You must use liters (gal) of solids used as a measure of relative surface coating activity over a representative period of operation. You may estimate the relative volume of coating solids used from parameters other than coating consumption and volume solids content (*e.g.*, design specifications for the parts or products coated and the number of items produced). The determination of predominant activity must accurately reflect current and projected coating operations and must be verifiable through appropriate documentation. The use of parameters other than coating consumption and volume solids content must be approved by the Administrator. You may use data for any reasonable time period of at least 1 year in determining the relative amount of coating activity, as long as they represent the way the source will continue to operate in the future and are approved by the Administrator. You must determine the predominant activity at your facility and submit the results of that determination with the initial notification required by § 63.3910(b). Additionally, you must determine the facility's predominant activity annually and include the determination in the next semi-annual compliance report required by § 63.3920(a).

(2) You may calculate and comply with a facility-specific emission limit as described in paragraphs (c)(2)(i) through (iii) of this section. If you elect to comply using the facility-specific emission limit alternative, then compliance with the facility-specific emission limit and the emission limitations in this subpart for all surface coating operations constitutes compliance with this and other

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applicable surface coating NESHAP. In calculating a facility-specific emission limit, you must include coating activities that meet the applicability criteria of the other subcategories and constitute more than 1 percent of total coating activities. Coating activities that meet the applicability criteria of other surface coating NESHAP but comprise less than 1 percent of coating activities need not be included in the determination of predominant activity but must be included in the compliance calculation.

(i) You are required to calculate the facility-specific emission limit for your facility when you submit the notification of compliance status required in § 63.3910(c), and on a monthly basis afterward using the coating data for the relevant 12-month compliance period.

(ii) Use Equation 1 of this section to calculate the facility-specific emission limit for your surface coating operations for each 12-month compliance period.

$$\text{Facility-Specific Emission Limit} = \frac{\sum_{i=1}^{n}(\text{Limit}_i)(\text{Solids}_i)}{\sum_{i=1}^{n}(\text{Solids}_i)} \quad \text{(Eq. 1)}$$

Where:

Facility-specific emission limit = Facility-specific emission limit for each 12-month compliance period, kg (lb) organic HAP per kg (lb) coating solids used.

Limiti = The new source or existing source emission limit applicable to coating operation, i, included in the facility-specific emission limit,

converted to kg (lb) organic HAP per kg (lb) coating solids used, if the emission limit is not already in those units. All emission limits included in the facility-specific emission limit must be in the same units.
Solidsi = The liters (gal) of solids used in coating operation, i, in the 12-month compliance period that is subject to emission limit, i. You may estimate the volume of coating solids used from parameters other than coating consumption and volume solids content (*e.g.*, design specifications for the parts or products coated and the number of items produced). The use of parameters other than coating consumption and volume solids content must be approved by the Administrator.
n = The number of different coating operations included in the facilityspecific emission limit.
(iii) If you need to convert an emission limit in another surface coating NESHAP from kg (lb) organic HAP per kg (lb) coating solids used to kg (lb) organic HAP per liter (gal) coating solids used, you must use the default solids density of 1.26 kg solids per liter coating solids (10.5 lb solids per gal solids).
§ 63.3891 What are my options for meeting the emission limits?
You must include all coatings (as defined in § 63.3981), thinners and/or other additives, and cleaning materials used in the affected source when determining whether the organic HAP emission rate is equal to or less than the applicable emission limit in § 63.3890.
To make this determination, you must use at least one of the three compliance options listed in paragraphs (a) through (c) of this section. You may apply any of the compliance options to an individual coating operation, or to multiple coating operations as a group, or to the entire affected source. You may use different compliance options for different coating operations, or at different times on the same coating operation. You may employ different compliance options when different coatings are applied to the same part, or when the same coating is applied to different parts. However, you may not use different compliance options at the same time on the same coating operation. If you switch between compliance options for any coating operation or group of coating operations, you must document this switch as required by § 63.3930(c), and you must report it in the next semiannual compliance report required in § 63.3920.
(a) *Compliant material option.* Demonstrate that the organic HAP content of each coating used in the coating operation(s) is less than or equal to the applicable emission limit in § 63.3890, and that each thinner and/or other additive, and cleaning material used contains no organic HAP. You must meet all the requirements of §§ 63.3940, 63.3941, and 63.3942 to demonstrate compliance with the applicable emission limit using this option.
(b) *Emission rate without add-on controls option.* Demonstrate that, based on the coatings, thinners and/or other additives, and cleaning materials used in the coating operation(s), the organic HAP emission rate for the coating operation(s) is less than or equal to the applicable emission limit in § 63.3890, calculated as a rolling 12-month emission rate and determined on a monthly basis. You must meet all the

requirements of §§ 63.3950, 63.3951, and 63.3952 to demonstrate compliance
with the emission limit using this option.
(c) *Emission rate with add-on controls*
option. Demonstrate that, based on the
coatings, thinners and/or other additives, and cleaning materials used
in the coating operation(s), and the emissions reductions achieved by emission capture systems and add-on controls, the organic HAP emission rate
for the coating operation(s) is less than
or equal to the applicable emission limit
in § 63.3890, calculated as a rolling 12-
month emission rate and determined on
a monthly basis. If you use this compliance option, you must also demonstrate that all emission capture systems and add-on control devices for
the coating operation(s) meet the operating limits required in § 63.3892,
except for solvent recovery systems for
which you conduct liquid-liquid material balances according to
§ 63.3961(j), and that you meet the work
practice standards required in § 63.3893.
You must meet all the requirements of
§§ 63.3960 through 63.3968 to demonstrate compliance with the emission limits, operating limits, and work practice standards using this option.
§ 63.3892 What operating limits must I
meet?
(a) For any coating operation(s) on
which you use the compliant material
option or the emission rate without addon
controls option, you are not required
to meet any operating limits.
(b) For any controlled coating operation(s) on which you use the emission rate with add-on controls option, except those for which you use
a solvent recovery system and conduct

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a liquid-liquid material balance according to § 63.3961(j), you must meet
the operating limits specified in Table 1
to this subpart. These operating limits
apply to the emission capture and control systems on the coating operation(s) for which you use this
option, and you must establish the operating limits during the performance
test according to the requirements in
§ 63.3967. You must meet the operating
limits at all times after you establish
them.
(c) If you use an add-on control device
other than those listed in Table 1 to this
subpart, or wish to monitor an alternative parameter and comply with
a different operating limit, you must
apply to the Administrator for approval
of alternative monitoring under § 63.8(f).
§ 63.3893 What work practice standards
must I meet?
(a) For any coating operation(s) on
which you use the compliant material
option or the emission rate without addon
controls option, you are not required
to meet any work practice standards.
(b) If you use the emission rate with
add-on controls option, you must develop and implement a work practice
plan to minimize organic HAP emissions from the storage, mixing, and
conveying of coatings, thinners and/or
other additives, and cleaning materials
used in, and waste materials generated
by the controlled coating operation(s)
for which you use this option; or you

must meet an alternative standard as provided in paragraph (c) of this section. The plan must specify practices
and procedures to ensure that, at a minimum, the elements specified in paragraphs (b)(1) through (5) of this section are implemented.
(1) All organic-HAP-containing coatings, thinners and/or other additives, cleaning materials, and waste
materials must be stored in closed containers.
(2) Spills of organic-HAP-containing coatings, thinners and/or other additives, cleaning materials, and waste
materials must be minimized.
(3) Organic-HAP-containing coatings,
thinners and/or other additives, cleaning materials, and waste materials
must be conveyed from one location to
another in closed containers or pipes.
(4) Mixing vessels which contain organic-HAP-containing coatings and
other materials must be closed except when adding to, removing, or mixing the contents.
(5) Emissions of organic HAP must be
minimized during cleaning of storage,
mixing, and conveying equipment.
(c) As provided in § 63.6(g), we, the U.S. Environmental Protection Agency,
may choose to grant you permission to
use an alternative to the work practice
standards in this section.

General Compliance Requirements
§ 63.3900 What are my general requirements for complying with this
subpart?
(a) You must be in compliance with
the emission limitations in this subpart
as specified in paragraphs (a)(1) and (2)
of this section.
(1) Any coating operation(s) for which
you use the compliant material option
or the emission rate without add-on
controls option, as specified in § 63.3891(a) and (b), must be in compliance with the applicable emission limit in § 63.3890 at all times.
(2) Any coating operation(s) for which
you use the emission rate with add-on
controls option, as specified in § 63.3891(c), must be in compliance
with the emission limitations as specified in paragraphs (a)(2)(i) through
(iii) of this section.
(i) The coating operation(s) must be in
compliance with the applicable emission limit in § 63.3890 at all times
except during periods of startup, shutdown, and malfunction.
(ii) The coating operation(s) must be
in compliance with the operating limits
for emission capture systems and addon
control devices required by § 63.3892
at all times except during periods of
startup, shutdown, and malfunction,
and except for solvent recovery systems
for which you conduct liquid-liquid
material balances according to § 63.3961(j).
(iii) The coating operation(s) must be
in compliance with the work practice
standards in § 63.3893 at all times.
(b) You must always operate and maintain your affected source, including
all air pollution control and monitoring
equipment you use for purposes of complying with this subpart, according
to the provisions in § 63.6(e)(1)(i).
(c) If your affected source uses an emission capture system and add-on
control device, you must develop and
implement a written startup, shutdown,
and malfunction plan according to the
provisions in § 63.6(e)(3). The plan must
address the startup, shutdown, and corrective actions in the event of a malfunction of the emission capture

system or the add-on control device. The plan must also address any coating operation equipment that may cause increased emissions or that would affect capture efficiency if the process equipment malfunctions, such as conveyors that move parts among enclosures.

§ 63.3901 What parts of the General Provisions apply to me?

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

Notifications, Reports, and Records

§ 63.3910 What notifications must I submit?

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

(b) *Initial notification.* You must submit the initial notification required by § 63.9(b) for a new or reconstructed affected source no later than 120 days after initial startup or 120 days after January 2, 2004, whichever is later. For an existing affected source, you must submit the initial notification no later than 1 year after January 2, 2004. If you are using compliance with the Automobiles and Light-Duty Trucks NESHAP (subpart IIII of this part) under § 63.3881(d) to constitute compliance with this subpart for your metal part coating operations, then you must include a statement to this effect in your initial notification and no other notifications are required under this subpart. If you are complying with another NESHAP that constitutes the predominant activity at your facility under § 63.3881(e)(2) to constitute compliance with this subpart for your metal coating operations, then you must include a statement to this effect in your initial notification and no other notifications are required under this subpart.

(c) *Notification of compliance status.* You must submit the notification of compliance status required by § 63.9(h) no later than 30 calendar days following the end of the initial compliance period described in §§ 63.3940, 63.3950, or 63.3960 that applies to your affected source. The notification of compliance status must contain the information specified in paragraphs (c)(1) through (11) of this section and in § 63.9(h).

(1) Company name and address.

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

(3) Date of the report and beginning and ending dates of the reporting period. The reporting period is the initial compliance period described in §§ 63.3940, 63.3950, or 63.3960 that applies to your affected source.

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(4) Identification of the compliance option or options specified in § 63.3891 that you used on each coating operation in the affected source during the initial compliance period.

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

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

(i) A description and statement of the cause of the deviation.
(ii) If you failed to meet the applicable emission limit in § 63.3890, include all the calculations you used to determine the kg (lb) of organic HAP emitted per liter (gal) coating solids used. You do not need to submit information provided by the materials' suppliers or manufacturers, or test reports.
(7) For each of the data items listed in paragraphs (c)(7)(i) through (iv) of this section that is required by the compliance option(s) you used to demonstrate compliance with the emission limit, include an example of how you determined the value, including calculations and supporting data. Supporting data may include a copy of the information provided by the supplier or manufacturer of the example coating or material, or a summary of the results of testing conducted according to § 63.3941(a), (b), or (c). You do not need to submit copies of any test reports.
(i) Mass fraction of organic HAP for one coating, for one thinner and/or other additive, and for one cleaning material.
(ii) Volume fraction of coating solids for one coating.
(iii) Density for one coating, one thinner and/or other additive, and one leaning material, except that if you use the compliant material option, only the example coating density is required.
(iv) The amount of waste materials and the mass of organic HAP contained in the waste materials for which you are claiming an allowance in Equation 1 of § 63.3951.
(8) The calculation of kg (lb) of organic HAP emitted per liter (gal) coating solids used for the compliance option(s) you used, as specified in paragraphs (c)(8)(i) through (iii) of this section.
(i) For the compliant material option, provide an example calculation of the organic HAP content for one coating, using Equation 2 of § 63.3941.
(ii) For the emission rate without addon controls option, provide the calculation of the total mass of organic HAP emissions for each month; the calculation of the total volume of coating solids used each month; and the calculation of the 12-month organic HAP emission rate using Equations 1 and 1A through 1C, 2, and 3, respectively, of § 63.3951.
(iii) For the emission rate with add-on controls option, provide the calculation of the total mass of organic HAP emissions for the coatings, thinners and/or other additives, and cleaning materials used each month, using Equations 1 and 1A through 1C of § 63.3951; the calculation of the total volume of coating solids used each month using Equation 2 of § 63.3951; the mass of organic HAP emission reduction each month by emission capture systems and add-on control devices using Equations 1 and 1A through 1D of § 63.3961 and Equations 2, 3, and 3A through 3C of § 63.3961 as applicable; the calculation of the total mass of organic HAP emissions each month using Equation 4 of § 63.3961; and the calculation of the 12-month organic HAP emission rate using Equation 5 of § 63.3961.
(9) For the emission rate with add-on controls option, you must include the information specified in paragraphs (c)(9)(i) through (iv) of this section, except that the requirements in

paragraphs (c)(9)(i) through (iii) of this
section do not apply to solvent recovery
systems for which you conduct liquidliquid
material balances according to § 63.3961(j).
(i) For each emission capture system, a summary of the data and copies of the
calculations supporting the determination that the emission capture
system is a permanent total enclosure (PTE) or a measurement of the emission
capture system efficiency. Include a description of the protocol followed for
measuring capture efficiency, summaries of any capture efficiency
tests conducted, and any calculations supporting the capture efficiency
determination. If you use the data quality objective (DQO) or lower
confidence limit (LCL) approach, you
must also include the statistical calculations to show you meet the DQO
or LCL criteria in appendix A to subpart
KK of this part. You do not need to submit complete test reports.
(ii) A summary of the results of each add-on control device performance test.
You do not need to submit complete test
reports.
(iii) A list of each emission capture system's and add-on control device's
operating limits and a summary of the
data used to calculate those limits.
(iv) A statement of whether or not you
developed and implemented the work
practice plan required by § 63.3893.
(10) If you are complying with a single emission limit representing the
predominant activity under
§ 63.3890(c)(1), include the calculations
and supporting information used to
demonstrate that this emission limit
represents the predominant activity as
specified in § 63.3890(c)(1).
(11) If you are complying with a facility-specific emission limit under
§ 63.3890(c)(2), include the calculation
of the facility-specific emission limit
and any supporting information as
specified in § 63.3890(c)(2).
§ 63.3920 What reports must I submit?
(a) *Semiannual compliance reports.*
You must submit semiannual compliance reports for each affected
source according to the requirements of
paragraphs (a)(1) through (7) of this
section. The semiannual compliance
reporting requirements may be satisfied
by reports required under other parts of
the Clean Air Act (CAA), as specified in
paragraph (a)(2) of this section.
(1) *Dates.* Unless the Administrator
has approved or agreed to a different
schedule for submission of reports
under § 63.10(a), you must prepare and
submit each semiannual compliance
report according to the dates specified
in paragraphs (a)(1)(i) through (iv) of
this section. Note that the information
reported for each of the months in the
reporting period will be based on the
last 12 months of data prior to the date
of each monthly calculation.
(i) The first semiannual compliance
report must cover the first semiannual
reporting period which begins the day
after the end of the initial compliance
period described in § 63.3940,
§ 63.3950, or § 63.3960 that applies to
your affected source and ends on June
30 or December 31, whichever date is
the first date following the end of the
initial compliance period.
(ii) Each subsequent semiannual compliance report must cover the

subsequent semiannual reporting period
from January 1 through June 30 or the
semiannual reporting period from July 1
through December 31.
(iii) Each semiannual compliance
report must be postmarked or delivered
no later than July 31 or January 31,
whichever date is the first date
following the end of the semiannual
reporting period.
(iv) For each affected source that is
subject to permitting regulations
pursuant to 40 CFR part 70 or 40 CFR
part 71, and if the permitting authority
has established dates for submitting
semiannual reports pursuant to 40 CFR
70.6(a)(3)(iii)(A) or 40 CFR
71.6(a)(3)(iii)(A), you may submit the
first and subsequent compliance reports
according to the dates the permitting
authority has established instead of

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according to the date specified in
paragraph (a)(1)(iii) of this section.
(2) *Inclusion with title V report.* Each
affected source that has obtained a
title
V operating permit pursuant to 40
CFR
part 70 or 40 CFR part 71 must
report
all deviations as defined in this
subpart
in the semiannual monitoring
report
required by 40 CFR
70.6(a)(3)(iii)(A) or
40 CFR 71.6(a)(3)(iii)(A). If an
affected
source submits a semiannual
compliance report pursuant to this
section along with, or as part of,
the
semiannual monitoring report
required
by 40 CFR 70.6(a)(3)(iii)(A) or
40 CFR
71.6(a)(3)(iii)(A), and the
semiannual
compliance report includes all
required
information concerning deviations
from
any emission limitation in this
subpart,
its submission will be deemed to
satisfy
any obligation to report the same
deviations in the semiannual
monitoring report. However,
submission
of a semiannual compliance report
shall
not otherwise affect any
obligation the
affected source may have to report
deviations from permit
requirements to
the permitting authority.
(3) *General requirements.* The
semiannual compliance report
must
contain the information specified
in
paragraphs (a)(3)(i) through (vii)
of this
section, and the information
specified in
paragraphs (a)(4) through (7) and
(c)(1)
of this section that is applicable to
your
affected source.
(i) Company name and address.
(ii) Statement by a responsible
official
with that official's name, title, and
signature, certifying the truth,
accuracy,
and completeness of the content
of the
report.
(iii) Date of report and beginning
and
ending dates of the reporting
period.
The reporting period is the 6-
month
period ending on June 30 or
December
31. Note that the information
reported
for each of the 6 months in the
reporting
period will be based on the last 12
months of data prior to the date of
each
monthly calculation.
(iv) Identification of the
compliance
option or options specified in §
63.3891
that you used on each coating
operation
during the reporting period. If you
switched between compliance
options
during the reporting period, you
must
report the beginning and ending
dates
for each option you used.

(v) If you used the emission rate without add-on controls or the emission rate with add-on controls compliance option (§ 63.3891(b) or (c)), the calculation results for each rolling 12-month organic HAP emission rate during the 6-month reporting period.
(vi) If you used the predominant activity alternative (§ 63.3890(c)(1)), include the annual determination of predominant activity if it was not included in the previous semi-annual compliance report.
(vii) If you used the facility-specific emission limit alternative (§ 63.3890(c)(2)), include the calculation of the facility-specific emission limit for each 12-month compliance period during the 6-month reporting period.
(4) *No deviations.* If there were no deviations from the emission limitations in §§ 63.3890, 63.3892, and 63.3893 that apply to you, the semiannual compliance report must include a statement that there were no deviations from the emission limitations during the reporting period. If you used the emission rate with add-on controls option and there were no periods during which the continuous parameter monitoring systems (CPMS) were out-ofcontrol as specified in § 63.8(c)(7), the semiannual compliance report must include a statement that there were no periods during which the CPMS were out-of-control during the reporting period.
(5) *Deviations: Compliant material option.* If you used the compliant material option and there was a deviation from the applicable organic HAP content requirements in § 63.3890, the semiannual compliance report must contain the information in paragraphs (a)(5)(i) through (iv) of this section.
(i) Identification of each coating used that deviated from the applicable emission limit, and each thinner and/or other additive, and cleaning material used that contained organic HAP, and the dates and time periods each was used.
(ii) The calculation of the organic HAP content (using Equation 2 of § 63.3941) for each coating identified in paragraph (a)(5)(i) of this section. You do not need to submit background data supporting this calculation (*e.g.*, information provided by coating suppliers or manufacturers, or test reports).
(iii) The determination of mass fraction of organic HAP for each thinner and/or other additive, and cleaning material identified in paragraph (a)(5)(i) of this section. You do not need to submit background data supporting this calculation (*e.g.*, information provided by material suppliers or manufacturers, or test reports).
(iv) A statement of the cause of each deviation.
(6) *Deviations: Emission rate without add-on controls option.* If you used the emission rate without add-on controls option and there was a deviation from the applicable emission limit in § 63.3890, the semiannual compliance report must contain the information in paragraphs (a)(6)(i) through (iii) of this section.
(i) The beginning and ending dates of each compliance period during which the 12-month organic HAP emission rate exceeded the applicable emission limit in § 63.3890.
(ii) The calculations used to determine the 12-month organic HAP emission rate for the compliance period in which the deviation occurred. You must submit the calculations for

Equations 1, 1A through 1C, 2, and 3 of
§ 63.3951; and if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.3951(e)(4). You do not
need to submit background data supporting these calculations (*e.g.*, information provided by materials suppliers or manufacturers, or test reports).
(iii) A statement of the cause of each deviation.
(7) *Deviations: Emission rate with add-on controls option.* If you used the
emission rate with add-on controls option and there was a deviation from
an emission limitation (including any periods when emissions bypassed the add-on control device and were diverted
to the atmosphere), the semiannual compliance report must contain the information in paragraphs (a)(7)(i) through (xiv) of this section. This includes periods of startup, shutdown,
and malfunction during which deviations occurred.
(i) The beginning and ending dates of each compliance period during which the 12-month organic HAP emission rate
exceeded the applicable emission limit
in § 63.3890.
(ii) The calculations used to determine the 12-month organic HAP
emission rate for each compliance period in which a deviation occurred. You must provide the calculation of the
total mass of organic HAP emissions for
the coatings, thinners and/or other additives, and cleaning materials used
each month using Equations 1 and 1A
through 1C of § 63.3951; and, if applicable, the calculation used to determine mass of organic HAP in waste
materials according to § 63.3951(e)(4);
the calculation of the total volume of
coating solids used each month using
Equation 2 of § 63.3951; the calculation
of the mass of organic HAP emission
reduction each month by emission capture systems and add-on control
devices using Equations 1 and 1A through 1D of § 63.3961, and Equations
2, 3, and 3A through 3C of § 63.3961, as
applicable; the calculation of the total
mass of organic HAP emissions each
month using Equation 4 of § 63.3961;
and the calculation of the 12-month

organic HAP emission rate using
Equation 5 of § 63.3961. You do not
need to submit the background data
supporting these calculations (*e.g.*,
information provided by materials suppliers or manufacturers, or test reports).
(iii) The date and time that each malfunction started and stopped.
(iv) A brief description of the CPMS.
(v) The date of the latest CPMS certification or audit.
(vi) The date and time that each CPMS was inoperative, except for zero
(low-level) and high-level checks.
(vii) The date, time, and duration that
each CPMS was out-of-control, including the information in
§ 63.8(c)(8).
(viii) The date and time period of each
deviation from an operating limit in
Table 1 to this subpart; date and time
period of any bypass of the add-on control device; and whether each deviation occurred during a period of
startup, shutdown, or malfunction or
during another period.
(ix) A summary of the total duration
of each deviation from an operating
limit in Table 1 to this subpart and each
bypass of the add-on control device

during the semiannual reporting period,
and the total duration as a percent of the
total source operating time during that
semiannual reporting period.
(x) A breakdown of the total duration
of the deviations from the operating
limits in Table 1 of this subpart and
bypasses of the add-on control device
during the semiannual reporting period
into those that were due to startup,
shutdown, control equipment problems,
process problems, other known causes,
and other unknown causes.
(xi) A summary of the total duration
of CPMS downtime during the
semiannual reporting period and the
total duration of CPMS downtime as a
percent of the total source operating
time during that semiannual reporting
period.
(xii) A description of any changes in
the CPMS, coating operation, emission
capture system, or add-on control
device since the last semiannual
reporting period.
(xiii) For each deviation from the
work practice standards, a description
of the deviation, the date and time
period of the deviation, and the actions
you took to correct the deviation.
(xiv) A statement of the cause of each
deviation.
(b) *Performance test reports.* If you
use the emission rate with add-on
controls option, you must submit
reports of performance test results for
emission capture systems and add-on
control devices no later than 60 days
after completing the tests as specified in
§ 63.10(d)(2).
(c) *Startup, shutdown, malfunction*
reports. If you used the emission rate
with add-on controls option and you
had a startup, shutdown, or malfunction
during the semiannual reporting period,
you must submit the reports specified in
paragraphs (c)(1) and (2) of this section.
(1) If your actions were consistent
with your startup, shutdown, and
malfunction plan, you must include the
information specified in § 63.10(d) in
the semiannual compliance report
required by paragraph (a) of this section.
(2) If your actions were not consistent
with your startup, shutdown, and
malfunction plan, you must submit an
immediate startup, shutdown, and
malfunction report as described in
paragraphs (c)(2)(i) and (ii) of this
section.
(i) You must describe the actions
taken during the event in a report
delivered by facsimile, telephone, or
other means to the Administrator within
2 working days after starting actions that
are inconsistent with the plan.
(ii) You must submit a letter to the
Administrator within 7 working days
after the end of the event, unless you
have made alternative arrangements
with the Administrator as specified in
§ 63.10(d)(5)(ii). The letter must contain
the information specified in
§ 63.10(d)(5)(ii).
§ 63.3930 What records must I keep?
You must collect and keep records of
the data and information specified in
this section. Failure to collect and keep
these records is a deviation from the
applicable standard.
(a) A copy of each notification and
report that you submitted to comply
with this subpart, and the
documentation supporting each
notification and report. If you are using
the predominant activity alternative
under § 63.3890(c), you must keep
records of the data and calculations
used to determine the predominant

activity. If you are using the facilityspecific emission limit alternative under § 63.3890(c), you must keep records of the data used to calculate the facilityspecific emission limit for the initial compliance demonstration. You must also keep records of any data used in each annual predominant activity determination and in the calculation of the facility-specific emission limit for each 12-month compliance period included in the semi-annual compliance reports.

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

(c) For each compliance period, the records specified in paragraphs (c)(1) through (4) of this section.

(1) A record of the coating operations on which you used each compliance option and the time periods (beginning and ending dates and times) for each option you used.

(2) For the compliant material option, a record of the calculation of the organic HAP content for each coating, using Equation 2 of § 63.3941.

(3) For the emission rate without addon controls option, a record of the calculation of the total mass of organic HAP emissions for the coatings, thinners and/or other additives, and cleaning materials used each month using Equations 1, 1A through 1C, and 2 of § 63.3951; and, if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.3951(e)(4); the calculation of the total volume of coating solids used each month using Equation 2 of § 63.3951; and the calculation of each 12-month organic HAP emission rate using Equation 3 of § 63.3951.

(4) For the emission rate with add-on controls option, records of the calculations specified in paragraphs (c)(4)(i) through (v) of this section.

(i) The calculation of the total mass of organic HAP emissions for the coatings, thinners and/or other additives, and cleaning materials used each month using Equations 1 and 1A through 1C of § 63.3951 and, if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.3951(e)(4);

(ii) The calculation of the total volume of coating solids used each month using Equation 2 of § 63.3951;

(iii) The calculation of the mass of organic HAP emission reduction by emission capture systems and add-on control devices using Equations 1 and 1A through 1D of § 63.3961 and

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Equations 2, 3, and 3A through 3C of § 63.3961, as applicable;
(iv) The calculation of each month's organic HAP emission rate using Equation 4 of § 63.3961; and
(v) The calculation of each 12-month organic HAP emission rate using Equation 5 of § 63.3961.
(d) A record of the name and volume of each coating, thinner and/or other additive, and cleaning material used during each compliance period. If you
are using the compliant material option
for all coatings at the source, you may
maintain purchase records for each material used rather than a record of the
volume used.
(e) A record of the mass fraction of organic HAP for each coating, thinner
and/or other additive, and cleaning material used during each compliance
period unless the material is tracked by
weight.
(f) A record of the volume fraction of coating solids for each coating used during each compliance period.
(g) If you use either the emission rate without add-on controls or the emission
rate with add-on controls compliance option, the density for each coating, thinner and/or other additive, and cleaning material used during each compliance period.
(h) If you use an allowance in Equation 1 of § 63.3951 for organic HAP
contained in waste materials sent to or
designated for shipment to a treatment,
storage, and disposal facility (TSDF)
according to § 63.3951(e)(4), you must
keep records of the information specified in paragraphs (h)(1) through
(3) of this section.
(1) The name and address of each TSDF to which you sent waste materials
for which you use an allowance in Equation 1 of § 63.3951; a statement of
which subparts under 40 CFR parts 262,
264, 265, and 266 apply to the facility;
and the date of each shipment.
(2) Identification of the coating operations producing waste materials
included in each shipment and the month or months in which you used the
allowance for these materials in Equation 1 of § 63.3951.
(3) The methodology used in accordance with § 63.3951(e)(4) to
determine the total amount of waste
materials sent to or the amount collected, stored, and designated for
transport to a TSDF each month; and the
methodology to determine the mass of organic HAP contained in these waste
materials. This must include the sources
for all data used in the determination,
methods used to generate the data, frequency of testing or monitoring, and
supporting calculations and documentation, including the waste
manifest for each shipment.
(i) [Reserved]
(j) You must keep records of the date,
time, and duration of each deviation.
(k) If you use the emission rate with
add-on controls option, you must keep
the records specified in paragraphs
(k)(1) through (8) of this section.
(1) For each deviation, a record of whether the deviation occurred during a
period of startup, shutdown, or malfunction.
(2) The records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown,
and malfunction.
(3) The records required to show continuous compliance with each operating limit specified in Table 1 to
this subpart that applies to you.
(4) For each capture system that is a
PTE, the data and documentation you
used to support a determination that the

capture system meets the criteria in Method 204 of appendix M to 40 CFR part 51 for a PTE and has a capture efficiency of 100 percent, as specified in § 63.3965(a).

(5) For each capture system that is not a PTE, the data and documentation you used to determine capture efficiency according to the requirements specified in §§ 63.3964 and 63.3965(b) through (e), including the records specified in paragraphs (k)(5)(i) through (iii) of this section that apply to you.

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

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

(iii) *Records for an alternative protocol.* Records needed to document a capture efficiency determination using an alternative method or protocol as specified in § 63.3965(e), if applicable.

(6) The records specified in paragraphs (k)(6)(i) and (ii) of this section for each add-on control device organic HAP destruction or removal efficiency determination as specified in § 63.3966.

(i) Records of each add-on control device performance test conducted according to §§ 63.3964 and 63.3966.

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

(7) Records of the data and calculations you used to establish the emission capture and add-on control

device operating limits as specified in
§ 63.3967 and to document compliance
with the operating limits as specified in
Table 1 to this subpart.
(8) A record of the work practice plan
required by § 63.3893 and documentation that you are
implementing the plan on a continuous
basis.
§ 63.3931 In what form and for how long
must I keep my records?
(a) Your records must be in a form
suitable and readily available for
expeditious review, according to
§ 63.10(b)(1). Where appropriate, the
records may be maintained as electronic
spreadsheets or as a database.
(b) As specified in § 63.10(b)(1), you
must keep each record for 5 years
following the date of each occurrence,
measurement, maintenance, corrective
action, report, or record.
(c) You must keep each record on-site
for at least 2 years after the date of each
occurrence, measurement, maintenance,
corrective action, report, or record
according to § 63.10(b)(1). You may
keep the records off-site for the
remaining 3 years.

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Compliance Requirements for the
Compliant Material Option
§ 63.3940 By what date must I conduct the
initial compliance demonstration?
You must complete the initial
compliance demonstration for the initial
compliance period according to the
requirements in § 63.3941. The initial
compliance period begins on the
applicable compliance date specified in
§ 63.3883 and ends on the last day of the
12th month following the compliance
date. If the compliance date occurs on
any day other than the first day of a
month, then the initial compliance
period extends through that month plus
the next 12 months. The initial
compliance demonstration includes the
calculations according to § 63.3941 and
supporting documentation showing that
during the initial compliance period,
you used no coating with an organic
HAP content that exceeded the
applicable emission limit in § 63.3890,
and that you used no thinners and/or
other additives, or cleaning materials
that contained organic HAP as
determined according to § 63.3941(a).
§ 63.3941 How do I demonstrate initial
compliance with the emission limitations?
You may use the compliant material
option for any individual coating
operation, for any group of coating
operations in the affected source, or for
all the coating operations in the affected
source. You must use either the
emission rate without add-on controls
option or the emission rate with add-on
controls option for any coating
operation in the affected source for
which you do not use this option. To
demonstrate initial compliance using
the compliant material option, the
coating operation or group of coating
operations must use no coating with an
organic HAP content that exceeds the
applicable emission limits in § 63.3890
and must use no thinner and/or other
additive, or cleaning material that
contains organic HAP as determined
according to this section. Any coating

operation for which you use the compliant material option is not required to meet the operating limits or work practice standards required in §§ 63.3892 and 63.3893, respectively.

You must conduct a separate initial compliance demonstration for each general use, high performance, magnet wire, rubber-to-metal, and extreme performance fluoropolymer coating operation unless you are demonstrating compliance with a predominant activity or facility-specific emission limit as provided in § 63.3890(c). If you are demonstrating compliance with a predominant activity or facility-specific emission limit as provided in § 63.3890(c), you must demonstrate that all coating operations included in the predominant activity determination or calculation of the facility-specific emission limit comply with that limit.

You must meet all the requirements of this section. Use the procedures in this section on each coating, thinner and/or other additive, and cleaning material in the condition it is in when it is received from its manufacturer or supplier and prior to any alteration. You do not need to redetermine the organic HAP content of coatings, thinners and/or other additives, and cleaning materials that are reclaimed on-site (or reclaimed offsite if you have documentation showing that you received back the exact same materials that were sent off-site) and reused in the coating operation for which you use the compliant material option, provided these materials in their condition as received were demonstrated to comply with the compliant material option.

(a) *Determine the mass fraction of organic HAP for each material used.* You must determine the mass fraction of organic HAP for each coating, thinner and/or other additive, and cleaning material used during the compliance period by using one of the options in paragraphs (a)(1) through (5) of this section.

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

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

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

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

mass fraction of organic HAP. For reactive adhesives in which some of the HAP react to form solids and are not emitted to the atmosphere, you may use the alternative method contained in appendix A to subpart PPPP of this part, rather than Method 24. You may use the volatile fraction that is emitted, as measured by the alternative method in appendix A to subpart PPPP of this part, as a substitute for the mass fraction of organic HAP.

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

(4) *Information from the supplier or manufacturer of the material.* You may rely on information other than that generated by the test methods specified in paragraphs (a)(1) through (3) of this section, such as manufacturer's formulation data, if it represents each organic HAP that is present at 0.1 percent by mass or more for OSHAdefined carcinogens as specified in 29 CFR 1910.1200(d)(4) and at 1.0 percent by mass or more for other compounds. For example, if toluene (not an OSHA carcinogen) is 0.5 percent of the material by mass, you do not have to count it. For reactive adhesives in which some of the HAP react to form solids and are not emitted to the atmosphere, you may rely on manufacturer's data that expressly states the organic HAP or volatile matter mass fraction emitted. If there is a disagreement between such information and results of a test conducted according to paragraphs (a)(1) through (3) of this section, then the test method results will take precedence unless, after consultation, you demonstrate to the satisfaction of the enforcement agency that the formulation data are correct.

(5) *Solvent blends.* Solvent blends may be listed as single components for some materials in data provided by manufacturers or suppliers. Solvent blends may contain organic HAP which must be counted toward the total organic HAP mass fraction of the materials. When test data and manufacturer's data for solvent blends are not available, you may use the default values for the mass fraction of organic HAP in these solvent blends listed in Table 3 or 4 to this subpart. If you use the tables, you must use the values in Table 3 for all solvent blends that match Table 3 entries according to the instructions for Table 3, and you may use Table 4 only if the solvent blends in the materials you use do not match any of the solvent blends in Table 3 and you know only whether the blend is aliphatic or aromatic. However, if the

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results of a Method 311 (appendix A to 40 CFR part 63) test indicate higher values than those listed on Table 3 or 4 to this subpart, the Method 311 results will take precedence unless, after consultation, you demonstrate to the satisfaction of the enforcement agency that the formulation data are correct.

(b) *Determine the volume fraction of coating solids for each coating.* You must determine the volume fraction of coating solids (liters (gal) of coating solids per liter (gal) of coating) for each coating used during the compliance period by a test, by information provided by the supplier or the manufacturer of the material, or by calculation, as specified in paragraphs (b)(1) through (4) of this section. If test results obtained according to paragraph (b)(1) of this section do not agree with the information obtained under paragraph (b)(3) or (4) of this section, the test results will take precedence unless, after consultation, you demonstrate to the satisfaction of the enforcement agency that the formulation data are correct.

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

(2) *Alternative method.* You may use an alternative test method for determining the solids content of each coating once the Administrator has approved it. You must follow the procedure in § 63.7(f) to submit an alternative test method for approval.

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

(4) *Calculation of volume fraction of coating solids.* You may determine the volume fraction of coating solids using Equation 1 of this section:

$$V_s = 1 - \frac{m_{volatiles}}{D_{avg}} \qquad \text{(Eq. 1)}$$

Where:

Vs = Volume fraction of coating solids, liters (gal) coating solids per liter (gal) coating.

mvolatiles = Total volatile matter content of the coating, including HAP, volatile organic compounds (VOC), water, and exempt compounds, determined according to Method 24 in appendix A of 40 CFR part 60, grams volatile matter per liter coating.

Davg = Average density of volatile matter in the coating, grams volatile matter per liter volatile matter, determined from test results using ASTM Method D1475–98, ‘‘Standard Test Method for Density of Liquid Coatings, Inks, and Related Products’’ (incorporated by reference, see § 63.14), information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If there is disagreement between ASTM Method D1475–98 test results and other information sources, the test results will take precedence unless, after consultation you demonstrate to the satisfaction of the enforcement agency that the formulation data are correct.

(c) *Determine the density of each*

coating. Determine the density of each coating used during the compliance period from test results using ASTM Method D1475–98, ''Standard Test Method for Density of Liquid Coatings, Inks, and Related Products'' (incorporated by reference, see § 63.14), information from the supplier or manufacturer of the material, or specific gravity data for pure chemicals. If there is disagreement between ASTM Method D1475–98 test results and the supplier's or manufacturer's information, the test results will take precedence unless, after consultation you demonstrate to the satisfaction of the enforcement agency that the formulation data are correct.

(d) *Determine the organic HAP content of each coating.* Calculate the organic HAP content, kg (lb) of organic HAP emitted per liter (gal) coating solids used, of each coating used during the compliance period using Equation 2

$$H_c = \frac{(D_c)(W_c)}{V_s} \qquad \text{(Eq. 2)}$$

Where:

Hc = Organic HAP content of the coating, kg organic HAP emitted per liter (gal) coating solids used.

Dc = Density of coating, kg coating per liter (gal) coating, determined according to paragraph (c) of this section.

Wc = Mass fraction of organic HAP in the coating, kg organic HAP per kg coating, determined according to paragraph (a) of this section.

Vs = Volume fraction of coating solids, liter (gal) coating solids per liter (gal) coating, determined according to paragraph (b) of this section.

(e) *Compliance demonstration.* The calculated organic HAP content for each coating used during the initial compliance period must be less than or equal to the applicable emission limit in § 63.3890; and each thinner and/or other additive, and cleaning material used during the initial compliance period must contain no organic HAP, determined according to paragraph (a) of this section. You must keep all records required by §§ 63.3930 and 63.3931. As part of the notification of compliance status required in § 63.3910, you must identify the coating operation(s) for which you used the compliant material option and submit a statement that the coating operation(s) was (were) in compliance with the emission limitations during the initial compliance period because you used no coatings for which the organic HAP content exceeded the applicable emission limit in § 63.3890, and you used no thinners and/or other additives, or cleaning materials that contained organic HAP, determined according to the procedures in paragraph (a) of this section.

§ 63.3942 How do I demonstrate continuous compliance with the emission limitations?

(a) For each compliance period to demonstrate continuous compliance, you must use no coating for which the organic HAP content (determined using Equation 2 of § 63.3941) exceeds the applicable emission limit in § 63.3890, and use no thinner and/or other additive, or cleaning material that contains organic HAP, determined according to § 63.3941(a). A compliance period consists of 12 months. Each month, after the end of the initial

compliance period described in
§ 63.3940, is the end of a compliance
period consisting of that month and
the
preceding 11 months. If you are
complying with a facility-specific
emission limit under § 63.3890(c),
you
must also perform the calculation
using
Equation 1 in § 63.3890(c)(2) on a
monthly basis using the data from the
previous 12 months of operation.
(b) If you choose to comply with the
emission limitations by using the
compliant material option, the use of
any coating, thinner and/or other

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additive, or cleaning material that
does
not meet the criteria specified in
paragraph (a) of this section is a
deviation from the emission
limitations
that must be reported as specified in
§§ 63.3910(c)(6) and 63.3920(a)(5).
(c) As part of each semiannual
compliance report required by
§ 63.3920, you must identify the
coating
operation(s) for which you used the
compliant material option. If there
were
no deviations from the applicable
emission limit in § 63.3890, submit a
statement that the coating
operation(s)
was (were) in compliance with the
emission limitations during the
reporting period because you used
no
coatings for which the organic
HAP
content exceeded the applicable
emission limit in § 63.3890, and
you
used no thinner and/or other
additive,
or cleaning material that
contained
organic HAP, determined
according to
§ 63.3941(a).
(d) You must maintain records as
specified in §§ 63.3930 and
63.3931.
Compliance Requirements for the
Emission Rate Without Add-On
Controls Option
§ 63.3950 By what date must I
conduct the
initial compliance demonstration?
You must complete the initial
compliance demonstration for the
initial
compliance period according to
the
requirements of § 63.3951. The
initial
compliance period begins on the
applicable compliance date
specified in
§ 63.3883 and ends on the last day
of the
12th month following the
compliance
date. If the compliance date
occurs on
any day other than the first day of
a
month, then the initial compliance
period extends through the end of
that
month plus the next 12 months.
You
must determine the mass of
organic
HAP emissions and volume of
coating
solids used each month and then
calculate an organic HAP
emission rate
at the end of the initial
compliance
period. The initial compliance
demonstration includes the
calculations
according to § 63.3951 and
supporting
documentation showing that
during the
initial compliance period the
organic
HAP emission rate was equal to or
less
than the applicable emission limit
in
§ 63.3890.
§ 63.3951 How do I demonstrate
initial
compliance with the emission
limitations?
You may use the emission rate
without add-on controls option for
any
individual coating operation, for
any
group of coating operations in the
affected source, or for all the
coating
operations in the affected source.
You
must use either the compliant
material
option or the emission rate with
add-on
controls option for any coating
operation in the affected source
for

which you do not use this option. To demonstrate initial compliance using the emission rate without add-on controls option, the coating operation or group of coating operations must meet the applicable emission limit in § 63.3890, but is not required to meet the operating limits or work practice standards in §§ 63.3892 and 63.3893, respectively. You must conduct a separate initial compliance demonstration for each general use, magnet wire, rubber-to-metal, and extreme performance fluoropolymer coating operation unless you are demonstrating compliance with a predominant activity or facility-specific emission limit as provided in § 63.3890(c). If you are demonstrating compliance with a predominant activity or facility-specific emission limit as provided in § 63.3890(c), you must demonstrate that all coating operations included in the predominant activity determination or calculation of the facility-specific emission limit comply with that limit. You must meet all the requirements of this section. When calculating the organic HAP emission rate according to this section, do not include any coatings, thinners and/or other additives, or cleaning materials used on coating operations for which you use the compliant material option or the emission rate with add-on controls option. You do not need to redetermine the mass of organic HAP in coatings, thinners and/or other additives, or cleaning materials that have been reclaimed on-site (or reclaimed off-site if you have documentation showing that you received back the exact same materials that were sent off-site) and reused in the coating operation for which you use the emission rate without add-on controls option. If you use coatings, thinners and/or other additives, or cleaning materials that have been reclaimed onsite, the amount of each used in a month may be reduced by the amount of each that is reclaimed. That is, the amount used may be calculated as the amount consumed to account for materials that are reclaimed.

(a) *Determine the mass fraction of organic HAP for each material.* Determine the mass fraction of organic HAP for each coating, thinner and/or other additive, and cleaning material used during each month according to the requirements in § 63.3941(a).

(b) *Determine the volume fraction of coating solids.* Determine the volume fraction of coating solids (liter (gal) of coating solids per liter (gal) of coating) for each coating used during each month according to the requirements in § 63.3941(b).

(c) *Determine the density of each material.* Determine the density of each liquid coating, thinner and/or other additive, and cleaning material used during each month from test results using ASTM Method D1475–98, ‘‘Standard Test Method for Density of Liquid Coatings, Inks, and Related Products’’ (incorporated by reference, see § 63.14), information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If you are including powder coatings in the compliance determination, determine the density of powder coatings, using ASTM Method D5965–02, ‘‘Standard Test Methods for Specific Gravity of Coating Powders’’ (incorporated by reference, see § 63.14),

or information from the supplier. If there is disagreement between ASTM Method D1475–98 or ASTM Method D5965–02 test results and other such information sources, the test results will take precedence unless, after consultation you demonstrate to the satisfaction of the enforcement agency that the formulation data are correct. If you purchase materials or monitor consumption by weight instead of volume, you do not need to determine material density. Instead, you may use the material weight in place of the combined terms for density and volume in Equations 1A, 1B, 1C, and 2 of this section.

(d) *Determine the volume of each material used.* Determine the volume (liters) of each coating, thinner and/or other additive, and cleaning material used during each month by measurement or usage records. If you purchase materials or monitor consumption by weight instead of volume, you do not need to determine the volume of each material used. Instead, you may use the material weight in place of the combined terms for density and volume in Equations 1A, 1B, and 1C of this section.

(e) *Calculate the mass of organic HAP emissions.* The mass of organic HAP emissions is the combined mass of organic HAP contained in all coatings, thinners and/or other additives, and cleaning materials used during each month minus the organic HAP in certain waste materials. Calculate the mass of organic HAP emissions using Equation 1 of this section.

$$H_e = A + B + C - R_w \qquad \text{(Eq. 1)}$$

Where:
He = Total mass of organic HAP emissions during the month, kg.

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A = Total mass of organic HAP in the coatings used during the month, kg, as calculated in Equation 1A of this section.
B = Total mass of organic HAP in the thinners and/or other additives used during the month, kg, as calculated in Equation 1B of this section.
C = Total mass of organic HAP in the cleaning materials used during the month, kg, as calculated in Equation 1C of this section.
Rw = Total mass of organic HAP in waste materials sent or designated for shipment to a hazardous waste TSDF for treatment or disposal during the month, kg, determined according to paragraph (e)(4) of this section. (You may assign a value of zero to R w if you do not wish to use this allowance.)

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

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

Where:
A = Total mass of organic HAP in the coatings used during the month, kg.
Volc,i = Total volume of coating, i, used during the month, liters.
Dc,i = Density of coating, i, kg coating per liter coating.
Wc,i = Mass fraction of organic HAP in coating, i, kg organic HAP per kg coating. For reactive adhesives as defined in § 63.3981, use the mass fraction of organic HAP that is emitted as determined using the method in appendix A to subpart PPPP of this part.
m = Number of different coatings used during the month.

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

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

Where:
B = Total mass of organic HAP in the
thinners and/or other additives
used during the month, kg.
Volt,j = Total volume of thinner and/or
other additive, j, used during the
month, liters.
Dt,j = Density of thinner and/or other
additive, j, kg per liter.
Wt,j = Mass fraction of organic HAP in
thinner and/or other additive, j, kg
organic HAP per kg thinner and/or
other additive. For reactive
adhesives as defined in § 63.3981,
use the mass fraction of organic
HAP that is emitted as determined
using the method in appendix A to
subpart PPPP of this part.
n = Number of different thinners and/
or other additives used during the
month.
(3) Calculate the kg organic HAP in
the cleaning materials used during the
month using Equation 1C of this
section:

$$C = \sum_{k=1}^{p} (Vol_{s,k})(D_{s,k})(W_{s,k}) \qquad \text{(Eq. 1C)}$$

Where:
C = Total mass of organic HAP in the
cleaning materials used during the
month, kg.
Vols,k = Total volume of cleaning
material, k, used during the month,
liters.
Ds,k = Density of cleaning
material, k, kg
per liter.
Ws,k = Mass fraction of organic
HAP in
cleaning material, k, kg organic
HAP per kg material.
p = Number of different cleaning
materials used during the month.
(4) If you choose to account for the
mass of organic HAP contained in waste
materials sent or designated for
shipment to a hazardous waste
TSDF in
Equation 1 of this section, then you
must determine the mass according to
paragraphs (e)(4)(i) through (iv) of this
section.
(i) You may only include waste
materials in the determination that are
generated by coating operations in the
affected source for which you use
Equation 1 of this section and that will
be treated or disposed of by a facility
that is regulated as a TSDF under 40
CFR part 262, 264, 265, or 266. The
TSDF may be either off-site or
on-site.
You may not include organic HAP
contained in wastewater.
(ii) You must determine either the
amount of the waste materials sent to a
TSDF during the month or the amount
collected and stored during the month
and designated for future transport to a
TSDF. Do not include in your
determination any waste materials sent
to a TSDF during a month if you have
already included them in the amount
collected and stored during that month
or a previous month.
(iii) Determine the total mass of
organic HAP contained in the waste
materials specified in paragraph
(e)(4)(ii) of this section.
(iv) You must document the
methodology you use to determine the
amount of waste materials and the total
mass of organic HAP they contain, as
required in § 63.3930(h). If waste
manifests include this information, they
may be used as part of the
documentation of the amount of waste
materials and mass of organic HAP
contained in them.
(f) *Calculate the total volume of coating solids used*. Determine the total

volume of coating solids used, liters, which is the combined volume of coating solids for all the coatings used
during each month, using Equation 2 of
this section:

$$V_{st} = \sum_{i=1}^{m} \left(Vol_{c,i}\right)\left(V_{s,i}\right) \qquad \text{(Eq. 2)}$$

Where:
Vst = Total volume of coating solids used during the month, liters.
Volc,i = Total volume of coating, i, used
during the month, liters.
Vs,i = Volume fraction of coating solids
for coating, i, liter solids per liter coating, determined according to § 63.3941(b).
m = Number of coatings used during the
month.
(g) *Calculate the organic HAP emission rate*. Calculate the organic HAP emission rate for the compliance
period, kg (lb) organic HAP emitted per
liter (gal) coating solids used, using Equation 3 of this section:

$$H_{yr} = \frac{\sum_{y=1}^{n} H_e}{\sum_{y=1}^{n} V_{st}} \qquad \text{(Eq. 3)}$$

Where:
Hyr = Average organic HAP emission
rate for the compliance period, kg organic HAP emitted per liter coating solids used.
He = Total mass of organic HAP emissions from all materials used during month, y, kg, as calculated by Equation 1 of this section.
Vst = Total volume of coating solids
used during month, y, liters, as calculated by Equation 2 of this section.
y = Identifier for months.
n = Number of full or partial months in
the compliance period (for the initial compliance period, n equals 12 if the compliance date falls on the first day of a month; otherwise n equals 13; for all following compliance periods, n equals 12).
(h) *Compliance demonstration.* The
organic HAP emission rate for the initial
compliance period calculated using
Equation 3 of this section must be less
than or equal to the applicable emission
limit for each subcategory in § 63.3890
or the predominant activity or facility specific emission limit allowed in

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§ 63.3890(c). You must keep all records
as required by §§ 63.3930 and 63.3931.
As part of the notification of compliance
status required by § 63.3910, you must
identify the coating operation(s) for
which you used the emission rate without add-on controls option and
submit a statement that the coating
operation(s) was (were) in compliance
with the emission limitations during the
initial compliance period because the
organic HAP emission rate was less than
or equal to the applicable emission limit
in § 63.3890, determined according to
the procedures in this section.
§ 63.3952 How do I demonstrate continuous compliance with the emission
limitations?
(a) To demonstrate continuous compliance, the organic HAP emission
rate for each compliance period, determined according to § 63.3951(a)
through (g), must be less than or equal
to the applicable emission limit in § 63.3890. A compliance period consists
of 12 months. Each month after the end
of the initial compliance period described in § 63.3950 is the end of a

compliance period consisting of that month and the preceding 11 months. You must perform the calculations in § 63.3951(a) through (g) on a monthly basis using data from the previous 12 months of operation. If you are complying with a facility-specific emission limit under § 63.3890(c), you must also perform the calculation using Equation 1 in § 63.3890(c)(2) on a monthly basis using the data from the previous 12 months of operation.

(b) If the organic HAP emission rate for any 12-month compliance period exceeded the applicable emission limit in § 63.3890, this is a deviation from the emission limitation for that compliance period and must be reported as specified in §§ 63.3910(c)(6) and 63.3920(a)(6).

(c) As part of each semiannual compliance report required by § 63.3920, you must identify the coating operation(s) for which you used the emission rate without add-on controls option. If there were no deviations from the emission limitations, you must submit a statement that the coating operation(s) was (were) in compliance with the emission limitations during the reporting period because the organic HAP emission rate for each compliance period was less than or equal to the applicable emission limit in § 63.3890, determined according to § 63.3951(a) through (g).

(d) You must maintain records as specified in §§ 63.3930 and 63.3931.

Compliance Requirements for the Emission Rate With Add-On Controls Option

§ 63.3960 By what date must I conduct performance tests and other initial compliance demonstrations?

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

(1) All emission capture systems, addon control devices, and CPMS must be installed and operating no later than the applicable compliance date specified in § 63.3883. Except for solvent recovery systems for which you conduct liquidliquid material balances according to § 63.3961(j), you must conduct a performance test of each capture system and add-on control device according to §§ 63.3964, 63.3965, and 63.3966 and establish the operating limits required by § 63.3892 no later than 180 days after the applicable compliance date specified in § 63.3883. For a solvent recovery system for which you conduct liquid-liquid material balances according to § 63.3961(j), you must initiate the first material balance no later than the applicable compliance date specified in § 63.3883. For magnet wire coating operations you may, with approval, conduct a performance test of one representative magnet wire coating machine for each group of identical or very similar magnet wire coating machines.

(2) You must develop and begin implementing the work practice plan required by § 63.3893 no later than the compliance date specified in § 63.3883.

(3) You must complete the initial compliance demonstration for the initial compliance period according to the requirements of § 63.3961. The initial compliance period begins on the applicable compliance date specified in § 63.3883 and ends on the last day of the

12th month following the compliance date. If the compliance date occurs on any day other than the first day of a month, then the initial compliance period extends through the end of that month plus the next 12 months. You must determine the mass of organic HAP emissions and volume of coatings solids used each month and then calculate an organic HAP emission rate at the end of the initial compliance period. The initial compliance demonstration includes the results of emission capture system and add-on control device performance tests conducted according to §§ 63.3964, 63.3965, and 63.3966; results of liquidliquid material balances conducted according to § 63.3961(j); calculations according to § 63.3961 and supporting documentation showing that during the initial compliance period the organic HAP emission rate was equal to or less than the applicable emission limit in § 63.3890; the operating limits established during the performance tests and the results of the continuous parameter monitoring required by § 63.3968; and documentation of whether you developed and implemented the work practice plan required by § 63.3893.

(4) You do not need to comply with the operating limits for the emission capture system and add-on control device required by § 63.3892 until after you have completed the performance tests specified in paragraph (a)(1) of this section. Instead, you must maintain a log detailing the operation and maintenance of the emission capture system, add-on control device, and continuous parameter monitors during the period between the compliance date and the performance test. You must begin complying with the operating limits for your affected source on the date you complete the performance tests specified in paragraph (a)(1) of this section. For magnet wire coating operations, you must begin complying with the operating limits for all identical or very similar magnet wire coating machines on the date you complete the performance test of a representative magnet wire coating machine. The requirements in this paragraph (a)(4) do not apply to solvent recovery systems for which you conduct liquid-liquid material balances according to the requirements in § 63.3961(j).

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

(1) All emission capture systems, addon control devices, and CPMS must be installed and operating no later than the applicable compliance date specified in § 63.3883. Except for magnet wire coating operations and solvent recovery systems for which you conduct liquidliquid material balances according to § 63.3961(j), you must conduct a performance test of each capture system and add-on control device according to the procedures in §§ 63.3964, 63.3965, and 63.3966 and establish the operating limits required by § 63.3892 no later than the compliance date specified in § 63.3883. For magnet wire coating operations, you may, with approval, conduct a performance test of a single magnet wire coating machine that represents identical or very similar magnet wire coating machines. For a

solvent recovery system for which you

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conduct liquid-liquid material balances
according to § 63.3961(j), you must initiate the first material balance no later than the compliance date specified
in § 63.3883.
(2) You must develop and begin implementing the work practice plan required by § 63.3893 no later than the
compliance date specified in § 63.3883.
(3) You must complete the initial compliance demonstration for the initial
compliance period according to the requirements of § 63.3961. The initial
compliance period begins on the applicable compliance date specified in
§ 63.3883 and ends on the last day of the
12th month following the compliance date. If the compliance date occurs on
any day other than the first day of a month, then the initial compliance period extends through the end of that
month plus the next 12 months. You must determine the mass of organic HAP emissions and volume of coatings
solids used each month and then calculate an organic HAP emission rate
at the end of the initial compliance
period. The initial compliance demonstration includes the results of
emission capture system and add-on
control device performance tests conducted according to §§ 63.3964,
63.3965, and 63.3966; results of liquidliquid
material balances conducted according to § 63.3961(j); calculations
according to § 63.3961 and supporting
documentation showing that during the
initial compliance period the organic
HAP emission rate was equal to or less
than the applicable emission limit in
§ 63.3890; the operating limits established during the performance tests
and the results of the continuous parameter monitoring required by
§ 63.3968; and documentation of whether you developed and implemented the work practice plan
required by § 63.3893.
(c) You are not required to conduct an
initial performance test to determine
capture efficiency or destruction efficiency of a capture system or control
device if you receive approval to use the results of a performance test that has
been previously conducted on that capture system or control device. Any
such previous tests must meet the conditions described in paragraphs
(c)(1) through (3) of this section.
(1) The previous test must have been
conducted using the methods and conditions specified in this subpart.
(2) Either no process or equipment
changes have been made since the previous test was performed or the owner or operator must be able to demonstrate that the results of the performance test, reliably demonstrate
compliance despite process or equipment changes.
(3) Either the required operating parameters were established in the previous test or sufficient data were
collected in the previous test to establish the required operating parameters.
§ 63.3961 How do I demonstrate initial
compliance?
(a) You may use the emission rate with add-on controls option for any
coating operation, for any group of
coating operations in the affected source, or for all of the coating operations in the affected source. You
may include both controlled and uncontrolled coating operations in a

group for which you use this option. You must use either the compliant material option or the emission rate without add-on controls option for any coating operation in the affected source for which you do not use the emission rate with add-on controls option. To demonstrate initial compliance, the coating operation(s) for which you use the emission rate with add-on controls option must meet the applicable emission limitations in §§ 63.3890, 63.3892, and 63.3893. You must conduct a separate initial compliance demonstration for each general use, magnet wire, rubber-to-metal, and extreme performance fluoropolymer coating operation, unless you are demonstrating compliance with a predominant activity or facility-specific emission limit as provided in § 63.3890(c). If you are demonstrating compliance with a predominant activity or facility-specific emission limit as provided in § 63.4490(c), you must demonstrate that all coating operations included in the predominant activity determination or calculation of the facility-specific emission limit comply with that limit. You must meet all the requirements of this section. When calculating the organic HAP emission rate according to this section, do not include any coatings, thinners and/or other additives, or cleaning materials used on coating operations for which you use the compliant material option or the emission rate without add-on controls option. You do not need to redetermine the mass of organic HAP in coatings, thinners and/or other additives, or cleaning materials that have been reclaimed onsite (or reclaimed off-site if you have documentation showing that you received back the exact same materials that were sent off-site) and reused in the coatings operation(s) for which you use the emission rate with add-on controls option. If you use coatings, thinners and/or other additives, or cleaning materials that have been reclaimed onsite, the amount of each used in a month may be reduced by the amount of each that is reclaimed. That is, the amount used may be calculated as the amount consumed to account for materials that are reclaimed.

(b) *Compliance with operating limits.* Except as provided in § 63.3960(a)(4), and except for solvent recovery systems for which you conduct liquid-liquid material balances according to the requirements of paragraph (j) of this section, you must establish and demonstrate continuous compliance during the initial compliance period with the operating limits required by § 63.3892, using the procedures specified in §§ 63.3967 and 63.3968.

(c) *Compliance with work practice requirements.* You must develop, implement, and document your implementation of the work practice plan required by § 63.3893 during the initial compliance period, as specified in § 63.3930.

(d) *Compliance with emission limits.* You must follow the procedures in paragraphs (e) through (n) of this section to demonstrate compliance with the applicable emission limit in § 63.3890 for each affected source in each subcategory.

(e) *Determine the mass fraction of organic HAP, density, volume used, and volume fraction of coating solids.* Follow the procedures specified in § 63.3951(a) through (d) to determine the mass fraction of organic HAP,

density, and volume of each coating, thinner and/or other additive, and cleaning material used during each month; and the volume fraction of coating solids for each coating used during each month.

(f) *Calculate the total mass of organic HAP emissions before add-on controls.* Using Equation 1 of § 63.3951, calculate the total mass of organic HAP emissions before add-on controls from all coatings, thinners and/or other additives, and cleaning materials used during each month in the coating operation or group of coating operations for which you use the emission rate with add-on controls option.

(g) *Calculate the organic HAP emission reduction for each controlled coating operation.* Determine the mass of organic HAP emissions reduced for each controlled coating operation during each month. The emission reduction determination quantifies the total organic HAP emissions that pass through the emission capture system and are destroyed or removed by the add-on control device. Use the procedures in paragraph (h) of this

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section to calculate the mass of organic HAP emission reduction for each controlled coating operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances. For each controlled coating operation using a solvent recovery system for which you conduct a liquid-liquid material balance, use the procedures in paragraph (j) of this section to calculate the organic HAP emission reduction.

(h) *Calculate the organic HAP emission reduction for each controlled coating operation not using liquid-liquid material balance.* Use Equation 1 of this section to calculate the organic HAP emission reduction for each controlled coating operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances. The calculation applies the emission capture system efficiency and add-on control device efficiency to the mass of organic HAP contained in the coatings, thinners and/or other additives, and cleaning materials that are used in the coating operation served by the emission capture system and add-on control device during each month. You must assume zero efficiency for the emission capture system and add-on control device for any period of time a deviation specified in § 63.3963(c) or (d) occurs in the controlled coating operation, including a deviation during a period of startup, shutdown, or malfunction, unless you have other data indicating the actual efficiency of the emission capture system and add-on control device and the use of these data is approved by the Administrator. Equation 1 of this section treats the materials used during such a deviation as if they were used on an uncontrolled coating operation for the time period of the deviation.

$$H_C = \left(A_C + B_C + C_C - R_W - H_{UNC}\right)\left(\frac{CE}{100} \times \frac{DRE}{100}\right)$$

(Eq. 1)

Where:
HC = Mass of organic HAP emission reduction for the controlled coating operation during the month, kg.
AC = Total mass of organic HAP in the
coatings used in the controlled coating operation during the month, kg, as calculated in Equation 1A of this section.
BC = Total mass of organic HAP in the
thinners and/or other additives used in the controlled coating operation during the month, kg, as calculated in Equation 1B of this section.
CC = Total mass of organic HAP in the
cleaning materials used in the controlled coating operation during the month, kg, as calculated in Equation 1C of this section.
RW = Total mass of organic HAP in waste materials sent or designated for shipment to a hazardous waste TSDF for treatment or disposal during the compliance period, kg, determined according to
§ 63.3951(e)(4). (You may assign a value of zero to RW if you do not wish to use this allowance.)
HUNC = Total mass of organic HAP in
the coatings, thinners and/or other additives, and cleaning materials used during all deviations specified in § 63.3963(c) and (d) that occurred during the month in the controlled coating operation, kg, as calculated in Equation 1D of this section.
CE = Capture efficiency of the emission
capture system vented to the add-on control device, percent. Use the test methods and procedures specified in §§ 63.3964 and 63.3965 to measure and record capture efficiency.
DRE = Organic HAP destruction or
removal efficiency of the add-on control device, percent. Use the test
methods and procedures in §§ 63.3964 and 63.3966 to measure
and record the organic HAP destruction or removal efficiency.
(1) Calculate the mass of organic HAP
in the coatings used in the controlled
coating operation, kg (lb), using Equation 1A of this section:

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

Where:
AC = Total mass of organic HAP in the
coatings used in the controlled coating operation during the month,
kg.
Volc,i = Total volume of coating, i, used
during the month, liters.
Dc,i = Density of coating, i, kg per liter.
Wc,i = Mass fraction of organic HAP in
coating, i, kg per kg. For reactive adhesives as defined in § 63.3981, use the mass fraction of organic HAP that is emitted as determined using the method in appendix A to subpart PPPP of this part.
m = Number of different coatings used.
(2) Calculate the mass of organic HAP
in the thinners and/or other additives
used in the controlled coating operation,
kg (lb), using Equation 1B of this section:

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

Where:
BC = Total mass of organic HAP in the
thinners and/or other additives
used in the controlled coating operation during the month, kg.
Volt,j = Total volume of thinner and/or
other additive, j, used during the month, liters.
Dt,j = Density of thinner and/or other
additive, j, kg per liter.
Wt,j = Mass fraction of organic HAP in
thinner and/or other additive, j, kg per kg. For reactive adhesives as defined in § 63.3981, use the mass fraction of organic HAP that is

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emitted as determined using the method in appendix A to subpart PPPP of this part.
n = Number of different thinners and/

or other additives used.
(3) Calculate the mass of organic HAP
in the cleaning materials used in the controlled coating operation during the
month, kg (lb), using Equation 1C of this
section:

$$C_C = \sum_{k=1}^{p} (Vol_{s,k})(D_{s,k})(W_{s,k}) \qquad \text{(Eq. 1C)}$$

Where:
CC = Total mass of organic HAP in the
cleaning materials used in the controlled coating operation during the month, kg.
Vols,k = Total volume of cleaning material, k, used during the month, liters.
Ds,k = Density of cleaning material, k, kg
per liter.
Ws,k = Mass fraction of organic HAP in
cleaning material, k, kg per kg.
p = Number of different cleaning materials used.
(4) Calculate the mass of organic HAP
in the coatings, thinners and/or other additives, and cleaning materials used
in the controlled coating operation during deviations specified in
§ 63.3963(c) and (d), using Equation 1D
of this section:

$$H_{UNC} = \sum_{h=1}^{q} (Vol_h)(D_h)(W_h) \qquad \text{(Eq. 1D)}$$

Where:
HUNC = Total mass of organic HAP in
the coatings, thinners and/or other additives, and cleaning materials used during all deviations specified
in § 63.3963(c) and (d) that occurred
during the month in the controlled coating operation, kg.
Volh = Total volume of coating, thinner
and/or other additive, or cleaning material, h, used in the controlled coating operation during deviations,
liters.
Dh = Density of coating, thinner and/or
other additives, or cleaning material, h, kg per liter.
Wh = Mass fraction of organic HAP in
coating, thinner and/or other additives, or cleaning material, h, kg organic HAP per kg coating. For
reactive adhesives as defined in
§ 63.3981, use the mass fraction of
organic HAP that is emitted as determined using the method in appendix A to subpart PPPP of this
part.
q = Number of different coatings, thinners and/or other additives, and
cleaning materials used.
(i) [Reserved]
(j) *Calculate the organic HAP emission reduction for each controlled*
coating operation using liquid-liquid material balances. For each controlled
coating operation using a solvent recovery system for which you conduct
liquid-liquid material balances, calculate the organic HAP emission
reduction by applying the volatile organic matter collection and recovery
efficiency to the mass of organic HAP
contained in the coatings, thinners and/
or other additives, and cleaning materials that are used in the coating
operation controlled by the solvent
recovery system during each month.
Perform a liquid-liquid material balance
for each month as specified in paragraphs (j)(1) through (6) of this
section. Calculate the mass of organic
HAP emission reduction by the solvent
recovery system as specified in paragraph (j)(7) of this section.
(1) For each solvent recovery system,
install, calibrate, maintain, and operate
according to the manufacturer's specifications, a device that indicates
the cumulative amount of volatile organic matter recovered by the solvent
recovery system each month. The device
must be initially certified by the

manufacturer to be accurate to within
}
2.0 percent of the mass of volatile organic matter recovered.
(2) For each solvent recovery system, determine the mass of volatile organic
matter recovered for the month, based
on measurement with the device required in paragraph (j)(1) of this section.
(3) Determine the mass fraction of volatile organic matter for each coating,
thinner and/or other additive, and cleaning material used in the coating operation controlled by the solvent recovery system during the month, kg
volatile organic matter per kg coating.
You may determine the volatile organic
matter mass fraction using Method 24 of
40 CFR part 60, appendix A, or an EPA
approved alternative method, or you may use information provided by the manufacturer or supplier of the coating.
In the event of any inconsistency between information provided by the manufacturer or supplier and the results
of Method 24 of 40 CFR part 60, appendix A, or an approved alternative
method, the test method results will take precedence unless, after consultation you demonstrate to the satisfaction of the enforcement agency
that the formulation data are correct.
(4) Determine the density of each coating, thinner and/or other additive,
and cleaning material used in the coating operation controlled by the
solvent recovery system during the
month, kg per liter, according to § 63.3951(c).
(5) Measure the volume of each coating, thinner and/or other additive,
and cleaning material used in the coating operation controlled by the
solvent recovery system during the
month, liters.
(6) Each month, calculate the solvent
recovery system's volatile organic matter collection and recovery efficiency, using Equation 2 of this
section:

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$$R_V = 100 \frac{M_{VR}}{\sum_{i=1}^{m} Vol_i D_i WV_{c,i} + \sum_{j=1}^{n} Vol_j D_j WV_{t,j} + \sum_{k=1}^{p} Vol_k D_k WV_{s,k}}$$

(Eq. 2)

Where:
RV = Volatile organic matter collection
and recovery efficiency of the solvent recovery system during the
month, percent.
MVR = Mass of volatile organic matter
recovered by the solvent recovery system during the month, kg.
Voli = Volume of coating, i, used in the
coating operation controlled by the
solvent recovery system during the
month, liters.
Di = Density of coating, i, kg per liter.
WVc,i = Mass fraction of volatile organic
matter for coating, i, kg volatile organic matter per kg coating. For reactive adhesives as defined in § 63.3981, use the mass fraction of
organic HAP that is emitted as determined using the method in appendix A to subpart PPPP of this
part.
Volj = Volume of thinner and/or other
additive, j, used in the coating operation controlled by the solvent
recovery system during the month,
liters.
Dj = Density of thinner and/or other
additive, j, kg per liter.
WVt,j = Mass fraction of volatile organic
matter for thinner and/or other additive, j, kg volatile organic matter per kg thinner and/or other additive. For reactive adhesives as defined in § 63.3981, use the mass fraction of organic HAP that is emitted as determined using the

method in appendix A to subpart PPPP of this part.
Volk = Volume of cleaning material, k,
used in the coating operation controlled by the solvent recovery system during the month, liters.
Dk = Density of cleaning material, k, kg
per liter.
WVs,k = Mass fraction of volatile organic
matter for cleaning material, k, kg volatile organic matter per kg cleaning material.
m = Number of different coatings used
in the coating operation controlled by the solvent recovery system during the month.
n = Number of different thinners and/or other additives used in the coating operation controlled by the solvent recovery system during the month.
p = Number of different cleaning materials used in the coating operation controlled by the solvent recovery system during the month.
(7) Calculate the mass of organic HAP
emission reduction for the coating operation controlled by the solvent recovery system during the month, using Equation 3 of this section and according to paragraphs (j)(7)(i) through
(iii) of this section:

$$H_{CSR} = \left(A_{CSR} + B_{CSR} + C_{CSR}\right)\left(\frac{R_V}{100}\right)$$

(Eq. 3)

Where:
HCSR = Mass of organic HAP emission
reduction for the coating operation
controlled by the solvent recovery system using a liquid-liquid material balance during the month,
kg.
ACSR = Total mass of organic HAP in the
coatings used in the coating operation controlled by the solvent
recovery system, kg, calculated using Equation 3A of this section.
BCSR = Total mass of organic HAP in the
thinners and/or other additives used in the coating operation controlled by the solvent recovery system, kg, calculated using Equation 3B of this section.
CCSR = Total mass of organic HAP in the
cleaning materials used in the coating operation controlled by the
solvent recovery system, kg, calculated using Equation 3C of this
section.
RV = Volatile organic matter collection
and recovery efficiency of the solvent recovery system, percent, from Equation 2 of this section.
(i) Calculate the mass of organic HAP
in the coatings used in the coating operation controlled by the solvent
recovery system, kg, using Equation 3A
of this section.

$$A_{CSR} = \sum_{i=1}^{m}\left(Vol_{c,i}\right)\left(D_{c,i}\right)\left(W_{c,i}\right)$$

(Eq. 3A)

Where:
ACSR = Total mass of organic HAP in the
coatings used in the coating operation controlled by the solvent
recovery system during the month,
kg.
Volc,i = Total volume of coating, i, used
during the month in the coating operation controlled by the solvent
recovery system, liters.
Dc,i = Density of coating, i, kg
per liter.
Wc,i = Mass fraction of organic HAP in
coating, i, kg organic HAP per kg coating. For reactive adhesives as defined in § 63.3981, use the mass fraction of organic HAP that is emitted as determined using the method in appendix A to subpart PPPP of this part.
m = Number of different coatings used.
(ii) Calculate the mass of organic HAP
in the thinners and/or other additives
used in the coating operation controlled
by the solvent recovery system, kg,
using Equation 3B of this section:

$$B_{CSR} = \sum_{j=1}^{n}\left(Vol_{t,j}\right)\left(D_{t,j}\right)\left(W_{t,j}\right)$$

(Eq. 3B)

Where:
BCSR = Total mass of organic HAP in the thinners and/or other additives used in the coating operation controlled by the solvent recovery system during the month, kg.
Volt,j = Total volume of thinner and/or other additive, j, used during the month in the coating operation controlled by the solvent recovery system, liters.
Dt,j = Density of thinner and/or other additive, j, kg per liter.
Wt,j = Mass fraction of organic HAP in thinner and/or other additive, j, kg lb organic HAP per kg thinner and/ or other additive. For reactive adhesives as defined in § 63.3981, use the mass fraction of organic HAP that is emitted as determined using the method in appendix A to subpart PPPP of this part.
n = Number of different thinners and/ or other additives used.

(iii) Calculate the mass of organic HAP in the cleaning materials used in the coating operation controlled by the solvent recovery system during the month, kg, using Equation 3C of this section:

$$C_{CSR} = \sum_{k=1}^{p} \left(Vol_{s,k}\right)\left(D_{s,k}\right)\left(W_{s,k}\right)$$

(Eq. 3C)

Where:
CCSR = Total mass of organic HAP in the cleaning materials used in the coating operation controlled by the solvent recovery system during the month, kg.
Vols,k = Total volume of cleaning material, k, used during the month in the coating operation controlled by the solvent recovery system, liters.
Ds,k = Density of cleaning material, k, kg per liter.
Ws,k = Mass fraction of organic HAP in cleaning material, k, kg organic HAP per kg cleaning material.
p = Number of different cleaning materials used.

(k) *Calculate the total volume of coating solids used.* Determine the total volume of coating solids used, liters, which is the combined volume of coating solids for all the coatings used during each month in the coating operation or group of coating operations for which you use the emission rate with add-on controls option, using Equation 2 of § 63.3951.

(l) *Calculate the mass of organic HAP emissions for each month.* Determine the mass of organic HAP emissions, kg, during each month, using Equation 4 of this section:

$$H_{HAP} = H_e - \sum_{i=1}^{q}\left(H_{c,i}\right) - \sum_{j=1}^{r}\left(H_{CSR,j}\right)$$

(Eq. 4)

where:
HHAP = Total mass of organic HAP emissions for the month, kg.
He = Total mass of organic HAP emissions before add-on controls from all the coatings, thinners and/ or other additives, and cleaning materials used during the month, kg, determined according to paragraph (f) of this section.
HC,i = Total mass of organic HAP emission reduction for controlled coating operation, i, not using a liquid-liquid material balance, during the month, kg, from Equation 1 of this section.
HCSR,j = Total mass of organic HAP emission reduction for coating operation, j, controlled by a solvent recovery system using a liquidliquid material balance, during the month, kg, from Equation 3 of this section.
q = Number of controlled coating operations not controlled by a solvent recovery system using a liquid-liquid material balance.
r = Number of coating operations controlled by a solvent recovery system using a liquid-liquid material balance.

(m) *Calculate the organic HAP*

emission rate for the compliance period.
Determine the organic HAP emission rate for the compliance period, kg (lb) of
organic HAP emitted per liter (gal) coating solids used, using Equation 5 of
this section:

$$H_{annual} = \frac{\sum_{y=1}^{n} H_{HAP,y}}{\sum_{y=1}^{n} V_{st,y}} \qquad \text{(Eq. 5)}$$

Where:
Hannual = Organic HAP emission rate for
the compliance period, kg organic HAP emitted per liter coating solids used.
HHAP,y = Organic HAP emissions for
month, y, kg, determined according to Equation 4 of this section.
Vst,y = Total volume of coating solids
used during month, y, liters, from Equation 2 of § 63.3951.
y = Identifier for months.
n = Number of full or partial months in
the compliance period (for the initial compliance period, n equals 12 if the compliance date falls on the first day of a month; otherwise n equals 13; for all following compliance periods, n equals 12).
(n) *Compliance demonstration.* The organic HAP emission rate for the initial
compliance period, calculated using Equation 5 of this section, must be less
than or equal to the applicable emission limit for each subcategory in § 63.3890
or the predominant activity or facilityspecific
emission limit allowed in
§ 63.3890(c). You must keep all records
as required by §§ 63.3930 and 63.3931.
As part of the notification of compliance
status required by § 63.3910, you must
identify the coating operation(s) for
which you used the emission rate with
add-on controls option and submit a
statement that the coating operation(s)
was (were) in compliance with the emission limitations during the initial
compliance period because the organic
HAP emission rate was less than or
equal to the applicable emission limit in
§ 63.3890, and you achieved the operating limits required by § 63.3892
and the work practice standards required by § 63.3893.
§ 63.3962 [Reserved.]
§ 63.3963 How do I demonstrate continuous compliance with the emission
limitations?
(a) To demonstrate continuous compliance with the applicable emission limit in § 63.3890, the organic
HAP emission rate for each compliance period, determined according to the

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procedures in § 63.3961, must be equal
to or less than the applicable emission
limit in § 63.3890. A compliance period
consists of 12 months. Each month after
the end of the initial compliance period
described in § 63.3960 is the end of a
compliance period consisting of that
month and the preceding 11 months.
You must perform the calculations in
§ 63.3961 on a monthly basis using data
from the previous 12 months of operation. If you are complying with a
facility-specific emission limit under
§ 63.3890(c), you must also perform the
calculation using Equation 1 in
§ 63.3890(c)(2) on a monthly basis using
the data from the previous 12 months of
operation.
(b) If the organic HAP emission rate
for any 12-month compliance period

exceeded the applicable emission limit in § 63.3890, this is a deviation from the emission limitation for that compliance period that must be reported as specified in §§ 63.3910(c)(6) and 63.3920(a)(7).

(c) You must demonstrate continuous compliance with each operating limit required by § 63.3892 that applies to you, as specified in Table 1 to this subpart, when the coating line is in operation.

(1) If an operating parameter is out of the allowed range specified in Table 1 to this subpart, this is a deviation from the operating limit that must be reported as specified in §§ 63.3910(c)(6) and 63.3920(a)(7).

(2) If an operating parameter deviates from the operating limit specified in Table 1 to this subpart, then you must assume that the emission capture system and add-on control device were achieving zero efficiency during the time period of the deviation, unless you have other data indicating the actual efficiency of the emission capture system and add-on control device and the use of these data is approved by the Administrator.

(d) You must meet the requirements for bypass lines in § 63.3968(b) for controlled coating operations for which you do not conduct liquid-liquid material balances. If any bypass line is opened and emissions are diverted to the atmosphere when the coating operation is running, this is a deviation that must be reported as specified in §§ 63.3910(c)(6) and 63.3920(a)(7). For the purposes of completing the compliance calculations specified in §§ 63.3961(h), you must treat the materials used during a deviation on a controlled coating operation as if they were used on an uncontrolled coating operation for the time period of the deviation as indicated in Equation 1 of § 63.3961.

(e) You must demonstrate continuous compliance with the work practice standards in § 63.3893. If you did not develop a work practice plan, or you did not implement the plan, or you did not keep the records required by § 63.3930(k)(8), this is a deviation from the work practice standards that must be reported as specified in §§ 63.3910(c)(6) and 63.3920(a)(7).

(f) As part of each semiannual compliance report required in § 63.3920, you must identify the coating operation(s) for which you used the emission rate with add-on controls option. If there were no deviations from the emission limitations, submit a statement that you were in compliance with the emission limitations during the reporting period because the organic HAP emission rate for each compliance period was less than or equal to the applicable emission limit in § 63.3890, and you achieved the operating limits required by § 63.3892 and the work practice standards required by § 63.3893 during each compliance period.

(g) During periods of startup, shutdown, or malfunction of the emission capture system, add-on control device, or coating operation that may affect emission capture or control device efficiency, you must operate in accordance with the startup, shutdown, and malfunction plan required by § 63.3900(c).

(h) [Reserved]

(i) [Reserved]

(j) You must maintain records as specified in §§ 63.3930 and 63.3931.

§ 63.3964 What are the general requirements for performance tests?
(a) You must conduct each performance test required by § 63.3960 according to the requirements in § 63.7(e)(1) and under the conditions in this section, unless you obtain a waiver of the performance test according to the provisions in § 63.7(h).
(1) *Representative coating operation operating conditions.* You must conduct the performance test under representative operating conditions for the coating operation. Operations during periods of startup, shutdown, or malfunction and during periods of nonoperation do not constitute representative conditions. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation.
(2) *Representative emission capture system and add-on control device operating conditions.* You must conduct the performance test when the emission capture system and add-on control device are operating at a representative flow rate, and the add-on control device is operating at a representative inlet concentration. You must record information that is necessary to document emission capture system and add-on control device operating conditions during the test and explain why the conditions represent normal operation.
(b) You must conduct each performance test of an emission capture system according to the requirements in § 63.3965. You must conduct each performance test of an add-on control device according to the requirements in § 63.3966.
§ 63.3965 How do I determine the emission capture system efficiency?
You must use the procedures and test methods in this section to determine capture efficiency as part of the performance test required by § 63.3960.
(a) *Assuming 100 percent capture efficiency.* You may assume the capture system efficiency is 100 percent if both of the conditions in paragraphs (a)(1) and (2) of this section are met:
(1) The capture system meets the criteria in Method 204 of appendix M to 40 CFR part 51 for a PTE and directs all the exhaust gases from the enclosure to an add-on control device.
(2) All coatings, thinners and/or other additives, and cleaning materials used in the coating operation are applied within the capture system; coating solvent flash-off, curing, and drying occurs within the capture system; and the removal or evaporation of cleaning materials from the surfaces they are applied to occurs within the capture system. For example, this criterion is not met if parts enter the open shop environment when being moved between a spray booth and a curing oven.
(b) *Measuring capture efficiency.* If the capture system does not meet both of the criteria in paragraphs (a)(1) and (2) of this section, then you must use one of the three protocols described in paragraphs (c), (d), and (e) of this section to measure capture efficiency. The capture efficiency measurements use TVH capture efficiency as a surrogate for organic HAP capture efficiency. For the protocols in paragraphs (c) and (d) of this section, the capture efficiency measurement

must consist of three test runs. Each test
run must be at least 3 hours duration or
the length of a production run, whichever is longer, up to 8 hours. For
the purposes of this test, a production run means the time required for a single
part to go from the beginning to the end
of the production, which includes

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surface preparation activities and drying
and curing time.
(c) *Liquid-to-uncaptured-gas protocol*
using a temporary total enclosure or building enclosure. The liquid-touncaptured-
gas protocol compares the
mass of liquid TVH in materials used in
the coating operation to the mass of TVH emissions not captured by the emission capture system. Use a temporary total enclosure or a building
enclosure and the procedures in paragraphs (c)(1) through (6) of this section to measure emission capture system efficiency using the liquid-touncaptured-
gas protocol.
(1) Either use a building enclosure or construct an enclosure around the coating operation where coatings, thinners and/or other additives, and cleaning materials are applied, and all
areas where emissions from these applied coatings and materials subsequently occur, such as flash-off,
curing, and drying areas. The areas of
the coating operation where capture
devices collect emissions for routing to
an add-on control device, such as the
entrance and exit areas of an oven or
spray booth, must also be inside the
enclosure. The enclosure must meet the
applicable definition of a temporary
total enclosure or building enclosure in
Method 204 of appendix M to 40 CFR
part 51.
(2) Use Method 204A or 204F of appendix M to 40 CFR part 51 to determine the mass fraction of TVH
liquid input from each coating, thinner
and/or other additive, and cleaning
material used in the coating operation
during each capture efficiency test run.
To make the determination, substitute
TVH for each occurrence of the term
VOC in the methods.
(3) Use Equation 1 of this section to
calculate the total mass of TVH liquid
input from all the coatings, thinners
and/or other additives, and cleaning
materials used in the coating operation
during each capture efficiency test run:

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

(Eq 1)

Where:
TVHused = Mass of liquid TVH in
materials used in the coating operation during the capture efficiency test run, kg.
TVHi = Mass fraction of TVH in coating, thinner and/or other additive, or cleaning material, i, that is used in the coating operation during the
capture efficiency test run, kg TVH per kg material.
Voli = Total volume of coating, thinner
and/or other additive, or cleaning material, i, used in the coating operation during the capture efficiency test run, liters.
Di = Density of coating, thinner and/or
other additive, or cleaning material,
i, kg material per liter material.
n = Number of different coatings, thinners and/or other additives, and
cleaning materials used in the coating operation during the capture efficiency test run.
(4) Use Method 204D or 204E of appendix M to 40 CFR part 51 to

measure the total mass, kg, of TVH emissions that are not captured by the
emission capture system. They are measured as they exit the temporary total enclosure or building enclosure during each capture efficiency test run.
To make the measurement, substitute TVH for each occurrence of the term VOC in the methods.
(i) Use Method 204D of appendix M to 40 CFR part 51 if the enclosure is a
temporary total enclosure.
(ii) Use Method 204E of appendix M to 40 CFR 51 if the enclosure is a building enclosure. During the capture
efficiency measurement, all organic compound emitting operations inside the building enclosure, other than the coating operation for which capture efficiency is being determined, must be
shut down, but all fans and blowers must be operating normally.
(5) For each capture efficiency test run, determine the percent capture efficiency of the emission capture system using Equation 2 of this section:

(Eq. 2)

$$CE = \frac{\left(TVH_{used} - TVH_{uncaptured}\right)}{TVH_{used}} \times 100$$

Where:
CE = Capture efficiency of the emission
capture system vented to the add-on control device, percent.
TVHused = Total mass of TVH liquid
input used in the coating operation during the capture efficiency test run, kg.
TVHuncaptured = Total mass of TVH that
is not captured by the emission capture system and that exits from the temporary total enclosure or building enclosure during the capture efficiency test run, kg.
(6) Determine the capture efficiency of the emission capture system as the average of the capture efficiencies measured in the three test runs.
(d) *Gas-to-gas protocol using a temporary total enclosure or a building enclosure.* The gas-to-gas protocol compares the mass of TVH emissions captured by the emission capture system to the mass of TVH emissions
not captured. Use a temporary total
enclosure or a building enclosure and
the procedures in paragraphs (d)(1)
through (5) of this section to measure
emission capture system efficiency
using the gas-to-gas protocol.
(1) Either use a building enclosure or
construct an enclosure around the coating operation where coatings, thinners and/or other additives, and
cleaning materials are applied, and all
areas where emissions from these applied coatings and materials subsequently occur, such as flash-off,
curing, and drying areas. The areas of
the coating operation where capture
devices collect emissions generated by
the coating operation for routing to an
add-on control device, such as the entrance and exit areas of an oven or a
spray booth, must also be inside the
enclosure. The enclosure must meet the
applicable definition of a temporary
total enclosure or building enclosure in
Method 204 of appendix M to 40 CFR
part 51.
(2) Use Method 204B or 204C of appendix M to 40 CFR part 51 to measure the total mass, kg, of TVH
emissions captured by the emission

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capture system during each capture
efficiency test run as measured at the
inlet to the add-on control device. To
make the measurement, substitute TVH
for each occurrence of the term VOC in
the methods.
(i) The sampling points for the Method 204B or 204C measurement
must be upstream from the add-on control device and must represent total
emissions routed from the capture system and entering the add-on control
device.

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

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

To make the measurement, substitute TVH for each occurrence of the term VOC in the methods.

(i) Use Method 204D of appendix M to 40 CFR part 51 if the enclosure is a temporary total enclosure.

(ii) Use Method 204E of appendix M to 40 CFR part 51 if the enclosure is a building enclosure. During the capture efficiency measurement, all organic compound emitting operations inside the building enclosure, other than the coating operation for which capture efficiency is being determined, must be shut down, but all fans and blowers must be operating normally.

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

$$CE = \frac{TVH_{captured}}{\left(TVH_{captured} + TVH_{uncaptured}\right)} \times 100$$

(Eq. 3)

Where:

CE = Capture efficiency of the emission capture system vented to the add-on control device, percent.

TVHcaptured = Total mass of TVH captured by the emission capture system as measured at the inlet to the add-on control device during the emission capture efficiency test run, kg.

TVHuncaptured = Total mass of TVH that is not captured by the emission capture system and that exits from the temporary total enclosure or building enclosure during the capture efficiency test run, kg.

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

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

§ 63.3966 How do I determine the add-on control device emission destruction or removal efficiency?

You must use the procedures and test methods in this section to determine the add-on control device emission destruction or removal efficiency as part of the performance test required by § 63.3960. You must conduct three test runs as specified in § 63.7(e)(3) and each test run must last at least 1 hour. If the source is a magnet wire coating machine, you may use the procedures in section 3.0 of appendix A to this subpart as an alternative.

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

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

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

(3) Use Method 3, 3A, or 3B of appendix A to 40 CFR part 60, as appropriate, for gas analysis to

determine dry molecular weight.
(4) Use Method 4 of appendix A to 40
CFR part 60, to determine stack gas moisture.
(5) Methods for determining gas volumetric flow rate, dry molecular weight, and stack gas moisture must be
performed, as applicable, during each test run.
(b) Measure total gaseous organic mass emissions as carbon at the inlet and outlet of the add-on control device
simultaneously, using either Method 25
or 25A of appendix A to 40 CFR part 60.
(1) Use Method 25 if the add-on control device is an oxidizer and you expect the total gaseous organic concentration as carbon to be more than
50 parts per million (ppm) at the control
device outlet.
(2) Use Method 25A if the add-on control device is an oxidizer and you expect the total gaseous organic concentration as carbon to be 50 ppm or
less at the control device outlet.
(3) Use Method 25A if the add-on control device is not an oxidizer.
(c) If two or more add-on control devices are used for the same emission
stream, then you must measure emissions at the outlet to the atmosphere of each device. For example, if one add-on control device is a concentrator with an outlet to the
atmosphere for the high-volume dilute
stream that has been treated by the concentrator, and a second add-on control device is an oxidizer with an outlet to the atmosphere for the low volume concentrated stream that is treated with the oxidizer, you must measure emissions at the outlet of the oxidizer and the high volume dilute
stream outlet of the concentrator.
(d) For each test run, determine the total gaseous organic emissions mass flow rates for the inlet and the outlet of the add-on control device, using
Equation 1 of this section. If there is more than one inlet or outlet to the add on control device, you must calculate the total gaseous organic mass flow rate using
Equation 1 of this section for each inlet and each outlet and then total all of the inlet emissions and total all of the outlet emissions:

$$M_f = Q_{sd} C_c (12)\ (0.0416)\ \left(10^{-6}\right)$$

(Eq. 1)

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Where:
Mf = Total gaseous organic emissions
mass flow rate, kg per hour (h).
Cc = Concentration of organic compounds as carbon in the vent gas, as determined by Method 25 or
Method 25A, parts per million by volume (ppmv), dry basis.
Qsd = Volumetric flow rate of gases
entering or exiting the add-on control device, as determined by Method 2, 2A, 2C, 2D, 2F, or 2G, dry standard cubic meters/hour (dscm/h).
0.0416 = Conversion factor for molar
volume, kg-moles per cubic meter (mol/m3) (@ 293 Kelvin (K) and 760
millimeters of mercury (mmHg).
(e) For each test run, determine the
add-on control device organic emissions
destruction or removal efficiency, using
Equation 2 of this section:

$$DRE = \frac{M_{fi} - M_{fo}}{M_{fi}} \times 100$$

(Eq. 2)

Where:
DRE = Organic emissions destruction or
removal efficiency of the add-on control device, percent.
Mfi = Total gaseous organic emissions
mass flow rate at the inlet(s) to the add-on control device, using
Equation 1 of this section, kg/h.
Mfo = Total gaseous organic emissions
mass flow rate at the outlet(s) of the
add-on control device, using
Equation 1 of this section, kg/h.
(f) Determine the emission destruction
or removal efficiency of the add-on

control device as the average of the efficiencies determined in the three test runs and calculated in Equation 2 of this section.

§ 63.3967 How do I establish the emission capture system and add-on control device operating limits during the performance test?

During the performance test required by § 63.3960 and described in §§ 63.3964, 63.3965, and 63.3966, you must establish the operating limits required by § 63.3892 according to this section, unless you have received approval for alternative monitoring and operating limits under § 63.8(f) as specified in § 63.3892.

(a) *Thermal oxidizers.* If your add-on control device is a thermal oxidizer, establish the operating limits according to paragraphs (a)(1) and (2) of this section.

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

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

(b) *Catalytic oxidizers.* If your add-on control device is a catalytic oxidizer, establish the operating limits according to either paragraphs (b)(1) and (2) or paragraphs (b)(3) and (4) of this section.

If the source is a magnet wire coating machine, you may use the procedures in section 3.0 of appendix A to this subpart as an alternative.

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

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

(3) You must monitor the temperature at the inlet to the catalyst bed and implement a site-specific inspection and maintenance plan for your catalytic oxidizer as specified in paragraph (b)(4) of this section. During the performance test, you must monitor and record the temperature just before the catalyst bed at least once every 15 minutes during each of the three test runs. Use the data collected during the performance test to calculate and record the average temperature just before the catalyst bed during the performance test. This is the minimum operating limit for your catalytic oxidizer.

(4) You must develop and implement an inspection and maintenance plan for your catalytic oxidizer(s) for which you elect to monitor according to paragraph (b)(3) of this section. The plan must address, at a minimum, the elements specified in paragraphs (b)(4)(i) through (iii) of this section.

(i) Annual sampling and analysis of

the catalyst activity (*i.e.*, conversion efficiency) following the manufacturer's
or catalyst supplier's recommended procedures. If problems are found during the catalyst activity test, you must replace the catalyst bed or take other corrective action consistent with
the manufacturer's recommendations.
(ii) Monthly external inspection of the
catalytic oxidizer system, including the
burner assembly and fuel supply lines
for problems and, as necessary, adjust
the equipment to assure proper air-tofuel
mixtures.
(iii) Annual internal inspection of the catalyst bed to check for channeling, abrasion, and settling. If problems are
found during the annual internal inspection of the catalyst, you must replace the catalyst bed or take other corrective action consistent with the manufacturer's recommendations. If the
catalyst bed is replaced and is not of like or better kind and quality as the old
catalyst then you must conduct a new performance test to determine destruction efficiency according to § 63.3966. If a catalyst bed is replaced
and the replacement catalyst is of like
or better kind and quality as the old catalyst, then a new performance test to
determine destruction efficiency is not
required and you may continue to use
the previously established operating
limits for that catalytic oxidizer.
(c) *Regenerative carbon adsorbers*. If
your add-on control device is a regenerative carbon adsorber, establish
the operating limits according to paragraphs (c)(1) and (2) of this section.
(1) You must monitor and record the
total regeneration desorbing gas (*e.g.*,
steam or nitrogen) mass flow for each
regeneration cycle, and the carbon bed
temperature after each carbon bed regeneration and cooling cycle for the
regeneration cycle either immediately
preceding or immediately following the
performance test.
(2) The operating limits for your regenerative carbon adsorber are the
minimum total desorbing gas mass flow
recorded during the regeneration cycle
and the maximum carbon bed temperature recorded after the cooling
cycle.
(d) *Condensers*. If your add-on control
device is a condenser, establish the
operating limits according to paragraphs
(d)(1) and (2) of this section.

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(1) During the performance test, you
must monitor and record the condenser
outlet (product side) gas temperature at
least once every 15 minutes during each
of the three test runs.
(2) Use the data collected during the
performance test to calculate and record
the average condenser outlet (product
side) gas temperature maintained during
the performance test. This average condenser outlet gas temperature is the
maximum operating limit for your condenser.
(e) *Concentrators*. If your add-on control device includes a concentrator,
you must establish operating limits for
the concentrator according to paragraphs (e)(1) through (4) of this
section.
(1) During the performance test, you
must monitor and record the desorption
concentrate stream gas temperature at

least once every 15 minutes during each
of the three runs of the performance test.
(2) Use the data collected during the performance test to calculate and record
the average temperature. This is the minimum operating limit for the desorption concentrate gas stream temperature.
(3) During the performance test, you must monitor and record the pressure drop of the dilute stream across the concentrator at least once every 15 minutes during each of the three runs of
the performance test.
(4) Use the data collected during the performance test to calculate and record
the average pressure drop. This is the minimum operating limit for the dilute
stream across the concentrator.
(f) *Emission capture systems*. For each
capture device that is not part of a PTE
that meets the criteria of § 63.3965(a),
establish an operating limit for either the gas volumetric flow rate or duct static pressure, as specified in paragraphs (f)(1) and (2) of this section.
The operating limit for a PTE is specified in Table 1 to this subpart. If the source is a magnet wire coating machine, you may use the procedures in
section 2.0 of appendix A to this subpart
as an alternative.
(1) During the capture efficiency determination required by § 63.3960 and
described in §§ 63.3964 and 63.3965,
you must monitor and record either the
gas volumetric flow rate or the duct
static pressure for each separate capture
device in your emission capture system
at least once every 15 minutes during
each of the three test runs at a point in
the duct between the capture device and
the add-on control device inlet.
(2) Calculate and record the average
gas volumetric flow rate or duct static
pressure for the three test runs for each
capture device. This average gas volumetric flow rate or duct static pressure is the minimum operating limit
for that specific capture device.
§ 63.3968 What are the requirements for continuous parameter monitoring system installation, operation, and maintenance?
(a) *General*. You must install, operate,
and maintain each CPMS specified in
paragraphs (c), (e), (f), and (g) of this
section according to paragraphs (a)(1)
through (6) of this section. You must
install, operate, and maintain each CPMS specified in paragraphs (b) and
(d) of this section according to paragraphs (a)(3) through (5) of this
section.
(1) The CPMS must complete a minimum of one cycle of operation for
each successive 15-minute period. You
must have a minimum of four equally
spaced successive cycles of CPMS
operation in 1 hour.
(2) You must determine the average of
all recorded readings for each successive 3-hour period of the emission capture system and add-on
control device operation.
(3) You must record the results of each inspection, calibration, and validation check of the CPMS.
(4) You must maintain the CPMS at
all times and have available necessary
parts for routine repairs of the monitoring equipment.
(5) You must operate the CPMS and
collect emission capture system and
add-on control device parameter data at
all times that a controlled coating operation is operating, except during
monitoring malfunctions, associated
repairs, and required quality assurance
or control activities (including, if

applicable, calibration checks and required zero and span adjustments).
(6) You must not use emission capture system or add-on control device parameter data recorded during monitoring malfunctions, associated repairs, out-of-control periods, or required quality assurance or control activities when calculating data averages. You must use all the data collected during all other periods in calculating the data averages for determining compliance with the emission capture system and add-on control device operating limits.
(7) A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the CPMS to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions. Any period for which the monitoring system is out-of-control and data are not available for required calculations is a deviation from the monitoring requirements.
(b) *Capture system bypass line*. You must meet the requirements of paragraphs (b)(1) and (2) of this section for each emission capture system that contains bypass lines that could divert emissions away from the add-on control device to the atmosphere.
(1) You must monitor or secure the valve or closure mechanism controlling the bypass line in a nondiverting position in such a way that the valve or closure mechanism cannot be opened without creating a record that the valve was opened. The method used to monitor or secure the valve or closure mechanism must meet one of the requirements specified in paragraphs (b)(1)(i) through (v) of this section.
(i) *Flow control position indicator*. Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow control position indicator that takes a reading at least once every 15 minutes and provides a record indicating whether the emissions are directed to the add-on control device or diverted from the add-on control device. The time of occurrence and flow control position must be recorded, as well as every time the flow direction is changed. The flow control position indicator must be installed at the entrance to any bypass line that could divert the emissions away from the addon control device to the atmosphere.
(ii) *Car-seal or lock-and-key valve closures*. Secure any bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. You must visually inspect the seal or closure mechanism at least once every month to ensure that the valve is maintained in the closed position, and the emissions are not diverted away from the add-on control device to the atmosphere.
(iii) *Valve closure monitoring*. Ensure that any bypass line valve is in the closed (nondiverting) position through monitoring of valve position at least once every 15 minutes. You must inspect the monitoring system at least once every month to verify that the monitor will indicate valve position.
(iv) *Automatic shutdown system*. Use an automatic shutdown system in which the coating operation is stopped when flow is diverted by the bypass line away from the add-on control device to the atmosphere when the coating operation is running. You must inspect the

automatic shutdown system at least once every month to verify that it will detect diversions of flow and shut down the coating operation.

(v) *Flow direction indicator*. Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow direction indicator that takes a reading at least once every

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15 minutes and provides a record indicating whether the emissions are directed to the add-on control device or diverted from the add-on control device. Each time the flow direction changes, the next reading of the time of occurrence and flow direction must be recorded. The flow direction indicator must be installed in each bypass line or air makeup supply line that could divert the emissions away from the add-on control device to the atmosphere.

(2) If any bypass line is opened, you must include a description of why the bypass line was opened and the length of time it remained open in the semiannual compliance reports required in § 63.3920.

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

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

(2) For a catalytic oxidizer, install gas temperature monitors upstream and/or downstream of the catalyst bed as required in § 63.3967(b).

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

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

(ii) Use a temperature sensor with a measurement sensitivity of 5 degrees Fahrenheit or 1.0 percent of the temperature value, whichever is larger.

(iii) Before using the sensor for the first time or when relocating or replacing the sensor, perform a validation check by comparing the sensor output to a calibrated temperature measurement device or by comparing the sensor output to a simulated temperature.

(iv) Conduct an accuracy audit every quarter and after every deviation. Accuracy audit methods include comparisons of sensor output to redundant temperature sensors, to calibrated temperature measurement devices, or to temperature simulation devices.

(v) Conduct a visual inspection of each sensor every quarter if redundant temperature sensors are not used.

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

(5) and (d)(1) through (3) of this section.
(1) The regeneration desorbing gas mass flow monitor must be an integrating device having a measurement sensitivity of plus or minus 10 percent capable of recording the total regeneration desorbing gas mass flow for each regeneration cycle.
(2) The carbon bed temperature monitor must be capable of recording the temperature within 15 minutes of completing any carbon bed cooling cycle.
(3) For all regenerative carbon adsorbers, you must meet the requirements in paragraphs (c)(3)(i) through (v) of this section for each temperature monitoring device.
(e) *Condensers*. If you are using a condenser, you must monitor the condenser outlet (product side) gas temperature and comply with paragraphs (a) and (e)(1) and (2) of this section.
(1) The temperature monitor must provide a gas temperature record at least once every 15 minutes.
(2) For all condensers, you must meet the requirements in paragraphs (c)(3)(i) through (v) of this section for each temperature monitoring device.
(f) *Concentrators*. If you are using a concentrator, such as a zeolite wheel or rotary carbon bed concentrator, you must comply with the requirements in paragraphs (f)(1) and (2) of this section.
(1) You must install a temperature monitor in the desorption gas stream. The temperature monitor must meet the requirements in paragraphs (a) and (c)(3) of this section.
(2) You must install a device to monitor pressure drop across the zeolite wheel or rotary carbon bed. The pressure monitoring device must meet the requirements in paragraphs (a) and (g)(2) of this section.
(g) *Emission capture systems*. The capture system monitoring system must comply with the applicable requirements in paragraphs (g)(1) and (2) of this section. If the source is a magnet wire coating machine, you may use the procedures in section 2.0 of appendix A to this subpart as an alternative.
(1) For each flow measurement device, you must meet the requirements in paragraphs (a) and (g)(1)(i) through (vii) of this section.
(i) Locate a flow sensor in a position that provides a representative flow measurement in the duct from each capture device in the emission capture system to the add-on control device.
(ii) Use a flow sensor with an accuracy of at least 10 percent of the flow.
(iii) Perform an initial sensor calibration in accordance with the manufacturer's requirements.
(iv) Perform a validation check before initial use or upon relocation or replacement of a sensor. Validation checks include comparison of sensor values with electronic signal simulations or via relative accuracy testing.
(v) Conduct an accuracy audit every quarter and after every deviation. Accuracy audit methods include comparisons of sensor values with electronic signal simulations or via relative accuracy testing.
(vi) Perform leak checks monthly.
(vii) Perform visual inspections of the sensor system quarterly if there is no redundant sensor.
(2) For each pressure drop measurement device, you must comply with the requirements in paragraphs (a) and (g)(2)(i) through (vii) of this section.
(i) Locate the pressure sensor(s) in or as close to a position that provides a representative measurement of the pressure drop across each opening you

are monitoring.
(ii) Use a pressure sensor with an accuracy of at least 0.5 inches of water
column or 5 percent of the measured value, whichever is larger.
(iii) Perform an initial calibration of the sensor according to the manufacturer's requirements.
(iv) Conduct a validation check before
initial operation or upon relocation or replacement of a sensor. Validation checks include comparison of sensor values to calibrated pressure measurement devices or to pressure simulation using calibrated pressure sources.
(v) Conduct accuracy audits every quarter and after every deviation. Accuracy audits include comparison of
sensor values to calibrated pressure measurement devices or to pressure simulation using calibrated pressure sources.
(vi) Perform monthly leak checks on pressure connections. A pressure of at
least 1.0 inches of water column to the
connection must yield a stable sensor result for at least 15 seconds.
(vii) Perform a visual inspection of the
sensor at least monthly if there is no redundant sensor.

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Other Requirements and Information
§ 63.3980 Who implements and enforces this subpart?
(a) This subpart can be implemented and enforced by us, the U.S. Environmental Protection Agency (EPA), or a delegated authority such as
your State, local, or tribal agency. If the
Administrator has delegated authority to
your State, local, or tribal agency, then
that agency (as well as the EPA) has the
authority to implement and enforce this
subpart. You should contact your EPA
Regional Office to find out if implementation and enforcement of this
subpart is delegated to your State, local,
or tribal agency.
(b) In delegating implementation and
enforcement authority of this subpart to
a State, local, or tribal agency under
subpart E of this part, the authorities
contained in paragraph (c) of this section are retained by the Administrator and are not transferred to
the State, local, or tribal agency.
(c) The authorities that will not be delegated to State, local, or tribal agencies are listed in paragraphs (c)(1)
through (4) of this section:
(1) Approval of alternatives to the requirements in § 63.3881 through 3883
and § 63.3890 through 3893.
(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and
(f) and as defined in § 63.90.
(3) Approval of major alternatives to
monitoring under § 63.8(f) and as defined in § 63.90.
(4) Approval of major alternatives to
recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.
§ 63.3981 What definitions apply to this
subpart?
Terms used in this subpart are defined in the CAA, in 40 CFR 63.2, and
in this section as follows:
Additive means a material that is added to a coating after purchase from
a supplier (*e.g.*, catalysts, activators,
accelerators).
Add-on control means an air pollution
control device, such as a thermal oxidizer or carbon adsorber, that reduces pollution in an air stream by
destruction or removal before discharge
to the atmosphere.
Adhesive, adhesive coating means any
chemical substance that is applied for
the purpose of bonding two surfaces
together. Products used on humans and
animals, adhesive tape, contact paper,
or any other product with an adhesive

incorporated onto or in an inert substrate shall not be considered adhesives under this subpart.
Assembled on-road vehicle coating means any coating operation in which coating is applied to the surface of some component or surface of a fully assembled motor vehicle or trailer intended for on-road use including, but not limited to, components or surfaces on automobiles and light-duty trucks that have been repaired after a collision or otherwise repainted, fleet delivery trucks, and motor homes and other recreational vehicles (including camping trailers and fifth wheels). Assembled on-road vehicle coating includes the concurrent coating of parts of the assembled on-road vehicle that are painted off-vehicle to protect systems, equipment, or to allow full coverage. Assembled on-road vehicle coating does not include surface coating operations that meet the applicability criteria of the automobiles and lightduty trucks NESHAP. Assembled onroad vehicle coating also does not include the use of adhesives, sealants, and caulks used in assembling on-road vehicles.
Capture device means a hood, enclosure, room, floor sweep, or other means of containing or collecting emissions and directing those emissions into an add-on air pollution control device.
Capture efficiency or capture system efficiency means the portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on control device.
Capture system means one or more capture devices intended to collect emissions generated by a coating operation in the use of coatings or cleaning materials, both at the point of application and at subsequent points where emissions from the coatings and cleaning materials occur, such as flashoff, drying, or curing. As used in this subpart, multiple capture devices that collect emissions generated by a coating operation are considered a single capture system.
Cleaning material means a solvent used to remove contaminants and other materials, such as dirt, grease, oil, and dried or wet coating (*e.g.*, depainting or paint stripping), from a substrate before or after coating application or from equipment associated with a coating operation, such as spray booths, spray guns, racks, tanks, and hangers. Thus, it includes any cleaning material used on substrates or equipment or both.
Coating means a material applied to a substrate for decorative, protective, or functional purposes. Such materials include, but are not limited to, paints, sealants, liquid plastic coatings, caulks, inks, adhesives, and maskants. Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances, or paper film or plastic film which may be pre-coated with an adhesive by the film manufacturer, are not considered coatings for the purposes of this subpart.
A liquid plastic coating means a coating made from fine particle-size polyvinyl chloride (PVC) in solution (also referred to as a plastisol).
Coating operation means equipment used to apply cleaning materials to a substrate to prepare it for coating application (surface preparation) or to

remove dried coating; to apply coating
to a substrate (coating application) and
to dry or cure the coating after application; or to clean coating operation equipment (equipment cleaning). A single coating operation may include any combination of these
types of equipment, but always includes
at least the point at which a given quantity of coating or cleaning material
is applied to a given part and all subsequent points in the affected source
where organic HAP are emitted from the
specific quantity of coating or cleaning
material on the specific part. There may
be multiple coating operations in an affected source. Coating application with handheld, non-refillable aerosol containers, touch-up markers, or marking pens is not a coating operation
for the purposes of this subpart.
Coatings solids means the nonvolatile
portion of the coating that makes up the
dry film.
Continuous parameter monitoring system (CPMS) means the total equipment that may be required to meet
the data acquisition and availability requirements of this subpart, used to sample, condition (if applicable), analyze, and provide a record of coating
operation, or capture system, or add-on
control device parameters.
Controlled coating operation means a
coating operation from which some or
all of the organic HAP emissions are
routed through an emission capture
system and add-on control device.
Deviation means any instance in which an affected source subject to this
subpart, or an owner or operator of such
a source:
(1) Fails to meet any requirement or
obligation established by this subpart
including but not limited to, any emission
limit or operating limit or work practice
standard;
(2) Fails to meet any term or condition that
is adopted to implement an applicable
requirement in this subpart and that is
included in the operating permit for any
affected source required to obtain such a
permit; or
(3) Fails to meet any emission limit, or
operating limit, or work practice standard in
this subpart during startup, shutdown, or
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malfunction, regardless of whether or not
such failure is permitted by this subpart.
Emission limitation means the aggregate of all requirements associated
with a compliance option including
emission limit, operating limit, work
practice standard, etc.
Enclosure means a structure that surrounds a source of emissions and
captures and directs the emissions to an
add-on control device.
Exempt compound means a specific
compound that is not considered a VOC
due to negligible photochemical reactivity. The exempt compounds are
listed in 40 CFR 51.100(s).
Extreme performance fluoropolymer
coating means coatings that are formulated systems based on fluoropolymer resins which often contain bonding matrix polymers dissolved in non-aqueous solvents as
well as other ingredients. Extreme performance fluoropolymer coatings are
typically used when one or more critical
performance criteria are required including, but not limited to a nonstick

low-energy surface, dry film lubrication,
high resistance to chemical attack, extremely wide operating temperature,
high electrical insulating properties, or
that the surface comply with government (*e.g.*, USDA, FDA) or third
party specifications for health, safety, reliability, or performance. Once applied to a substrate, extreme performance fluoropolymer coatings undergo a curing process that typically
requires high temperatures, a chemical
reaction, or other specialized technology.
Facility maintenance means the routine repair or renovation (including
the surface coating) of the tools, equipment, machinery, and structures that comprise the infrastructure of the
affected facility and that are necessary
for the facility to function in its intended capacity.
General use coating means any material that meets the definition of coating but does not meet the definition
of high performance coating, rubber-tometal
coating, magnet wire coating, or extreme performance fluoropolymer coating as defined in this section.
High performance architectural coating means any coating applied to architectural subsections which is required to meet the specifications of Architectural Aluminum Manufacturer's Association's publication number AAMA 605.2–2000.
High performance coating means any
coating that meets the definition of high
performance architectural coating or
high temperature coating in this section.
High temperature coating means any
coating applied to a substrate which
during normal use must withstand temperatures of at least 538 degrees
Celsius (1000 degrees Fahrenheit).
Hobby shop means any surface coating operation, located at an affected
source, that is used exclusively for personal, noncommercial purposes by
the affected source's employees or assigned personnel.
Magnet wire coatings, commonly referred to as magnet wire enamels, are
applied to a continuous strand of wire
which will be used to make turns (windings) in electrical devices such as
coils, transformers, or motors. Magnet
wire coatings provide high dielectric
strength and turn-to-turn conductor
insulation. This allows the turns of an
electrical device to be placed in close
proximity to one another which leads to
increased coil effectiveness and electrical efficiency.
Magnet wire coating machine means
equipment which applies and cures
magnet wire coatings.
Manufacturer's formulation data means data on a material (such as a
coating) that are supplied by the material manufacturer based on knowledge of the ingredients used to
manufacture that material, rather than
based on testing of the material with the
test methods specified in § 63.3941.
Manufacturer's formulation data may
include, but are not limited to, information on density, organic HAP
content, volatile organic matter content,
and coating solids content.
Mass fraction of organic HAP means
the ratio of the mass of organic HAP to
the mass of a material in which it is
contained, expressed as kg of organic
HAP per kg of material.
Month means a calendar month or a
pre-specified period of 28 days to 35
days to allow for flexibility in recordkeeping when data are based on

a business accounting period.
Non-HAP coating means, for the purposes of this subpart, a coating that contains no more than 0.1 percent by mass of any individual organic HAP that is an OSHA-defined carcinogen as specified in 29 CFR 1910.1200(d)(4) and no more than 1.0 percent by mass for any other individual HAP.
Organic HAP content means the mass of organic HAP emitted per volume of coating solids used for a coating calculated using Equation 2 of § 63.3941. The organic HAP content is determined for the coating in the condition it is in when received from its manufacturer or supplier and does not account for any alteration after receipt. For reactive adhesives in which some of the HAP react to form solids and are not emitted to the atmosphere, organic HAP content is the mass of organic HAP that is emitted, rather than the organic HAP content of the coating as it is received.
Permanent total enclosure (PTE) means a permanently installed enclosure that meets the criteria of Method 204 of appendix M, 40 CFR part 51, for a PTE and that directs all the exhaust gases from the enclosure to an add-on control device.
Personal watercraft means a vessel (boat) which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person or persons sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
Protective oil means an organic material that is applied to metal for the purpose of providing lubrication or protection from corrosion without forming a solid film. This definition of protective oil includes, but is not limited to, lubricating oils, evaporative oils (including those that evaporate completely), and extrusion oils. Protective oils used on miscellaneous metal parts and products include magnet wire lubricants and soft temporary protective coatings that are removed prior to installation or further assembly of a part or component.
Reactive adhesive means adhesive systems composed, in part, of volatile monomers that react during the adhesive curing reaction, and, as a result, do not evolve from the film during use. These volatile components instead become integral parts of the adhesive through chemical reaction. At least 70 percent of the liquid components of the system, excluding water, react during the process.
Research or laboratory facility means a facility whose primary purpose is for research and development of new processes and products, that is conducted under the close supervision of technically trained personnel, and is not engaged in the manufacture of final or intermediate products for commercial purposes, except in a *de minimis* manner.
Responsible official means responsible official as defined in 40 CFR 70.2.
Rubber-to-metal coatings are coatings that contain heat-activated polymer systems in either solvent or water that, when applied to metal substrates, dry to a non-tacky surface and react chemically with the rubber and metal during a vulcanization process.
Startup, initial means the first time

equipment is brought online in a facility.
Surface preparation means use of a cleaning material on a portion of or all

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of a substrate. This includes use of a cleaning material to remove dried coating, which is sometimes called depainting.
Temporary total enclosure means an enclosure constructed for the purpose of
measuring the capture efficiency of pollutants emitted from a given source
as defined in Method 204 of appendix
M, 40 CFR part 51.
Thinner means an organic solvent that
is added to a coating after the coating is
received from the supplier.
Total volatile hydrocarbon (TVH) means the total amount of nonaqueous
volatile organic matter determined according to Methods 204 and 204A through 204F of appendix M to 40 CFR
part 51 and substituting the term TVH
each place in the methods where the term VOC is used. The TVH includes
both VOC and non-VOC.
Uncontrolled coating operation means
a coating operation from which none of
the organic HAP emissions are routed
through an emission capture system and
add-on control device.
Volatile organic compound (VOC) means any compound defined as VOC
in 40 CFR 51.100(s).
Volume fraction of coating solids means the ratio of the volume of coating
solids (also known as the volume of
nonvolatiles) to the volume of a coating
in which it is contained; liters (gal) of
coating solids per liter (gal) of coating.
Wastewater means water that is generated in a coating operation and is
collected, stored, or treated prior to
being discarded or discharged.
Tables to Subpart MMMM of Part 63
If you are required to comply with operating limits by § 63.3892(c), you
must comply with the applicable operating limits in the following table:
TABLE 1 TO SUBPART MMMM OF PART
63.—OPERATING LIMITS IF USING THE EMISSION RATE WITH ADD-ON CONTROLS OPTION
For the following device . . . You must meet the following operating limit . . . And you must demonstrate continuous compliance with
the operating limit by . . .
1. Thermal oxidizer ..... a. The average combustion temperature in any 3-hour period must not fall below the combustion temperature
limit established according to § 63.3967(a).
i. Collecting the combustion temperature data according
to § 63.3968(c);
ii. Reducing the data to 3-hour block averages; and
iii. Maintaining the 3-hour average combustion temperature at or above the temperature limit.
2. Catalytic oxidizer ..... a. The average temperature measured just before the catalyst bed in any 3-hour period must not fall below
the limit established according to § 63.3967(b) (for
magnet wire coating machines, temperature can be
monitored before or after the catalyst bed); and either
i. Collecting the temperature data according to
§ 63.3968(c);
ii. Reducing the data to 3-hour block averages; and
iii. Maintaining the 3-hour average temperature before
(or for magnet wire coating machines after) the catalyst
bed at or above the temperature limit.
b. Ensure that the average temperature difference
across the catalyst bed in any 3-hour period does not
fall below the temperature difference limit established
according to § 63.3967(b) (2); or
i. Collecting the temperature data according to

§ 63.3968(c);
ii. Reducing the data to 3-hour block averages; and
iii. Maintaining the 3-hour average temperature difference at or above the temperature difference limit.
c. Develop and implement an inspection and maintenance plan according to § 63.3967(b)(4) or for magnet wire coating machines according to section 3.0 of appendix A to this subpart.
i. Maintaining and up-to-date inspection and maintenance plan, records of annual catalyst activity checks, records of monthly inspections of the oxidizer system, and records of the annual internal inspections of the catalyst bed. If a problem is discovered during a monthly or annual inspection required by § 63.3967(b)(4) or for magnet wire coating machines by section 3.0 of appendix A to this subpart, you must take corrective action as soon as practicable consistent with the manufacturer's recommendations.
3. Regenerative carbon adsorber.
a. The total regeneration desorbing gas (*e.g.*, steam or nitrogen) mass flow for each carbon bed regeneration cycle must not fall below the total regeneration desorbing gas mass flow limit established according to § 63.3967(c); and
i. Measuring the total regeneration desorbing gas (*e.g.*, steam or nitrogen) mass flow for each regeneration cycle according to § 63.3968(d); and
ii. Maintaining the total regeneration desorbing gas mass flow at or above the mass flow limit.
b. The temperature of the carbon bed, after completing each regeneration and any cooling cycle, must not exceed the carbon bed temperature limit established according to § 63.3967(c).
i. Measuring the temperature of the carbon bed after completing each regeneration and any cooling cycle according to § 63.3968(d); and
ii. Operating the carbon beds such that each carbon bed is not returned to service until completing each regeneration and any cooling cycle until the recorded temperature of the carbon bed is at or below the temperature limit.
4. Condenser ..... a. The average condenser outlet (product side) gas temperature in any 3-hour period must not exceed the temperature limit established according to § 63.3967(d).
i. Collecting the condenser outlet (product side) gas temperature according to § 63.3968(e);
ii. Reducing the data to 3-hour block averages; and
iii. Maintaining the 3-hour average gas temperature at the outlet at or below the temperature limit.
5. Concentrators, including zeolite wheels and rotary carbon adsorbers.
a. The average gas temperature of the desorption concentrate stream in any 3-hour period must not fall below the limit established according to § 63.3967(e); and
i. Collecting the temperature data according to 63.3968(f);
ii. Reducing the data to 3-hour block averages; and
iii. Maintaining the 3-hour average temperature at or above the temperature limit.

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TABLE 1 TO SUBPART MMMM OF PART 63.—OPERATING LIMITS IF USING THE EMISSION RATE WITH ADD-ON CONTROLS OPTION—Continued
For the following device . . . You must meet the following operating limit . . . And you must demonstrate continuous compliance with the operating limit by . . .
b. The average pressure drop of the dilute stream across the concentrator in any 3-hour period must not fall below the limit established according to § 63.3967(e).

i. Collecting the pressure drop data according to
63.3968(f);
ii. Reducing the pressure drop data to 3-hour block
averages; and
iii. Maintaining the 3-hour average pressure drop at or
above the pressure drop limit.
6. Emission capture system
that is a PTE according to
§ 63.3965(a).
a. The direction of the air flow at all times must be into
the enclosure; and either
i. Collecting the direction of air flow, and either the facial
velocity of air through all natural draft openings
according to § 63.3968(b)(1) or the pressure drop
across the enclosure according to § 63.3968(g)(2);
and
ii. Maintaining the facial velocity of air flow through all
natural draft openings or the pressure drop at or
above the facial velocity limit or pressure drop limit,
and maintaining the direction of air flow into the enclosure
at all times.
b. The average facial velocity of air through all natural
draft openings in the enclosure must be at least 200
feet per minutes; or
i. See items 6.a.i and 6.a.ii.
c. The pressure drop across the enclosure must be at
least 0.007 inch H2O, as established in Method 204
of appendix M to 40 CFR part 51.
i. See items 6.a.i and 6.a.ii.
7. Emission capture system
that is not a PTE according
to § 63.3965(a).
a. The average gas volumetric flow rate or duct static
pressure in each duct between a capture device and
add-on control device inlet in any 3-hour period must
not fall below the average volumetric flow rate or
duct static pressure limit established for that capture
device according to § 63.3967(f).
i. Collecting the gas volumetric flow rate or duct static
pressure for each capture device according to
§ 63.3968(g);
ii. Reducing the data to 3-hour block averages; and
iii. Maintaining the 3-hour average gas volumetric flow
rate or duct static pressure for each capture device
at or above the gas volumetric flow rate or duct static
pressure limited.
You must comply with the applicable
General Provisions requirements according to the following table:
TABLE 2 TO SUBPART MMMM OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART MMMM OF PART 63
Citation Subject Applicable to subpart MMMM Explanation
§ 63.1(a)(1)–(14) ..... General Applicability ..... Yes.
§ 63.1(b)(1)–(3) ..... Initial Applicability Determination ..... Yes ..... Applicability to subpart MMMM is also
specified in § 63.3881.
§ 63.1(c)(1) ..... Applicability After Standard Established Yes.
§ 63.1(c)(2)–(3) ..... Applicability of Permit Program for Area
Sources.
No ..... Area sources are not subject to subpart
MMMM.
§ 63.1(c)(4)–(5) ..... Extensions and Notifications ..... Yes.
§ 63.1(e) ..... Applicability of Permit Program Before
Relevant Standard is Set.
Yes.
§ 63.2 ..... Definitions ..... Yes ..... Additional definitions are specified in
§ 63.3981.
§ 63.1(a)–(c) ..... Units and Abbreviations ..... Yes.
§ 63.4(a)(1)–(5) ..... Prohibited Activities ..... Yes.
§ 63.4(b)–(c) ..... Circumvention/Severability ..... Yes.
§ 63.5(a) .....

Construction/Reconstruction
..... Yes.
§ 63.5(b)(1)–(6)
.....
Requirements for Existing Newly Constructed,
and Reconstructed Sources.
Yes.
§ 63.5(d)
.....
Application for Approval of Construction/
Reconstruction.
Yes.
§ 63.5(e)
.....
Approval of
Construction/Reconstruction Yes.
§ 63.5(f)
.....
Approval of
Construction/Reconstruction
Based on Prior State Review.
Yes.
§ 63.6(a)
.....
Compliance With Standards and Maintenance
Requirements—Applicability.
Yes.
§ 63.6(b)(1)–(7)
..... Compliance Dates for New and Reconstructed Sources.
Yes ..... Section 63.3883 specifies the compliance
dates.
§ 63.6(c)(1)–(5)
..... Compliance Dates for Existing Sources Yes
..... Section 63.3883 specifies the compliance
dates.

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TABLE 2 TO SUBPART MMMM OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART MMMM OF PART 63—Continued
Citation Subject Applicable to subpart MMMM Explanation
§ 63.6(e)(1)–(2)
.....
Operation and Maintenance
..... Yes.
§ 63.6(e)(3)
.....
Startup, Shutdown, and Malfunction
Plan.
Yes ..... Only sources using an add-on control
device to comply with the standard
must complete startup, shutdown, and malfunction plans.
§ 63.6(f)(1)
.....
Compliance Except During Startup,
Shutdown, and Malfunction.
Yes ..... Applies only to sources using an add-on
control device to comply with the standard.
§ 63.6(f)(2)–(3)
.....
Methods for Determining Compliance. .. Yes.
§ 63.6(g)(1)–(3)
..... Use of an Alternative Standard .....
Yes.
§ 63.6(h)
.....

Compliance With Opacity/Visible Emission
Standards.
No ..... Subpart MMMM does not establish
opacity standards and does not require
continuous opacity monitoring systems (COMS).
§ 63.6(i)(1)–(16)
.....
Extension of Compliance
..... Yes.
§ 63.6(j)
.....
Presidential Compliance Exemption ..... Yes.
§ 63.7(a)(1)
.....
Performance Test Requirements—Applicability.
Yes ..... Applies to all affected sources. Additional
requirements for performance testing are specified in §§ 63.3964,
63.3965, and 63.3966.
§ 63.7(a)(2)
.....
Performance Test Requirements—Dates.
Yes ..... Applies only to performance tests for
capture system and control device efficiency
at sources using these to
comply with the standard. Section 63.3960 specifies the schedule for
performance test requirements that
are earlier than those specified in § 63.7(a)(2).
§ 63.7(a)(3)
.....
Performance Tests Required By the Administrator.

Yes.
§ 63.7(b)–(e)
.....
Performance Test Requirements—Notification, Quality Assurance, Facilities Necessary for Safe Testing, Conditions
During Test.
Yes ..... Applies only to performance tests for
capture system and add-on control device efficiency at sources using these to comply with the standard.
§ 63.7(f)
.....
Performance Test Requirements—Use
of Alternative Test Method.
Yes ..... Applies to all test methods except those
used to determine capture system efficiency.
§ 63.7(g)–(h)
.....
Performance Test Requirements—Data
Analysis, Recordkeeping, Reporting, Waiver of Test.
Yes ..... Applies only to performance tests for
capture system and add-on control device efficiency at sources using these to comply with the standard.
§ 63.8(a)(1)–(3)
..... Monitoring Requirements—Applicability Yes
..... Applies only to monitoring of capture
system and add-on control device efficiency
at sources using these to
comply with the standard. Additional requirements for monitoring are specified
in § 63.3968.
§ 63.8(a)(4)
.....
Additional Monitoring Requirements ..... No
..... Subpart MMMM does not have monitoring requirements for flares.
§ 63.8(b)
.....
Conduct of Monitoring
..... Yes.
§ 63.8(c)(1)–(3)
.....
Continuous Monitoring Systems (CMS)
Operation and Maintenance.
Yes ..... Applies only to monitoring of capture
system and add-on control device efficiency
at sources using these to
comply with the standard. Additional
requirements for CMS operations and
maintenance are specified in
§ 63.3968.
§ 63.8(c)(4)
..... CMS
.....
No ..... § 63.3968
specifies the requirements for
the operation of CMS for capture systems
and add-on control devices at
sources using these to comply.
§ 63.8(c)(5)
.....
COMS
.....
No ..... Subpart MMMM does not have opacity
or visible emission standards.
§ 63.8(c)(6)
..... CMS
Requirements .....
No ..... Section 63.3968
specifies the requirements
for monitoring systems for capture systems and add-on control devices
at sources using these to comply.
§ 63.8(c)(7)
..... CMS
Out-of-Control Periods
..... Yes.

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TABLE 2 TO SUBPART MMMM OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART MMMM OF PART 63—Continued
Citation Subject Applicable to subpart MMMM Explanation
§ 63.8(c)(8)
..... CMS
Out-of-Control Periods and Reporting.
No ..... § 63.3920
requires reporting of CMS
out-of-control periods.
§ 63.8(d)–(e)
.....
Quality Control Program and CMS Performance Evaluation.
No ..... Subpart MMMM does not require the
use of continuous emissions monitoring
systems.
§ 63.8(f)(1)–(5)
..... Use of an Alternative Monitoring Method.

Yes.
§ 63.8(f)(6)
.....
Alternative to Relative Accuracy Test .... No ..... Subpart MMMM does not require the use of continuous emissions monitoring systems.
§ 63.8(g)(1)–(5)
..... Data Reduction .....
No ..... Sections 63.3967 and 63.3968 specify monitoring data reduction.
§ 63.9(a)–(d)
.....
Notification Requirements
..... Yes.
§ 63.9(e)
.....
Notification of Performance Test
..... Yes ..... Applies only to capture system and add-on control device performance tests at sources using these to comply with the standard.
§ 63.9(f)
.....
Notification of Visible Emissions/Opacity Test.
No ..... Subpart MMMM does not have opacity or visible emissions standards.
§ 63.9(g)(1)–(3)
..... Additional Notifications When Using CMS.
No ..... Subpart MMMM does not require the use of continuous emissions monitoring systems.
§ 63.9(h)
.....
Notification of Compliance Status
..... Yes ..... Section 63.3910 specifies the dates for submitting the notification of compliance status.
§ 63.9(i)
.....
Adjustment of Submittal Deadlines ..... Yes.
§ 63.9(j)
.....
Change in Previous Information
..... Yes.
§ 63.10(a)
.....
Recordkeeping/Reporting—Applicability and General Information.
Yes.
§ 63.10(b)(1)
.....
General Recordkeeping Requirements .. Yes .....
Additional requirements are specified in §§ 63.3930 and 63.3931.
§ 63.10(b)(2) (i)–(v)
.....
Recordkeeping Relevant to Startup, Shutdown, and Malfunction Periods and CMS.
Yes ..... Requirements for startup, shutdown, and malfunction records only apply to add-on control devices used to comply with the standard.
§ 63.10(b)(2) (vi)–(xi)
.....
.....
..... Yes.
§ 63.10(b)(2) (xii)
..... Records
.....
Yes.
§ 63.10(b)(2) (xiii)
.....
.....
..... No ..... Subpart MMMM does not require the use of continuous emissions monitoring systems.
§ 63.10(b)(2) (xiv)
.....
.....
..... Yes.
§ 63.10(b)(3)
.....
Recordkeeping Requirements for Applicability Determinations.
Yes.
§ 63.10(c) (1)–(6)
..... Additional Recordkeeping Requirements for Sources with CMS.
Yes.
§ 63.10(c) (7)–(8)
.....
.....
..... No ..... The same records are required in § 63.3920(a)(7).
§ 63.10(c) (9)–(15)
.....
.....
..... Yes.
§ 63.10(d)(1)
.....
General Reporting Requirements
..... Yes ..... Additional requirements are specified in § 63.3920.
§ 63.10(d)(2)
.....
Report of Performance Test

Results ..... Yes .....
Additional requirements are specified in
§ 63.3920(b).
§ 63.10(d)(3)
.....
Reporting Opacity or Visible Emissions Observations.
No ..... Subpart MMMM does not require opacity or visible emissions observations.
§ 63.10(d)(4)
..... Progress Reports for Sources With Compliance Extensions.
Yes.
§ 63.10(d)(5)
..... Startup, Shutdown, and Malfunction Reports.
Yes ..... Applies only to add-on control devices at sources using these to comply with the standard.
§ 63.10(e) (1)–(2)
..... Additional CMS Reports ..... No ..... Subpart MMMM does not require the use of continuous emissions monitoring systems.
§ 63.10(e) (3)
..... Excess Emissions/CMS Performance Reports.
No ..... Section 63.3920 (b) specifies the contents of periodic compliance reports.
§ 63.10(e) (4)
..... COMS Data Reports ..... No ..... Subpart MMMMM does not specify requirements for opacity or COMS.
§ 63.10(f)
.....
Recordkeeping/Reporting Waiver ..... Yes.
§ 63.11
.....
Control Device Requirements/Flares ..... No ..... Subpart MMMM does not specify use of flares for compliance.
§ 63.12
.....
State Authority and Delegations ..... Yes.

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TABLE 2 TO SUBPART MMMM OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART MMMM OF PART 63—Continued
Citation Subject Applicable to subpart MMMM Explanation
§ 63.13
.....
Addresses
..... Yes.
§ 63.14
.....
Incorporation by Reference ..... Yes.
§ 63.15
.....
Availability of Information/Confidentiality Yes.
You may use the mass fraction values in the following table for solvent blends for which you do not have test data or manufacturer's formulation data and which match either the solvent blend name or the chemical abstract series (CAS) number. If a solvent blend matches both the name and CAS number for an entry, that entry's organic HAP mass fraction must be used for that solvent blend. Otherwise, use the organic HAP mass fraction for the entry matching either the solvent blend name or CAS number, or use the organic HAP mass fraction from table 4 to this subpart if neither the name or CAS number match.
TABLE 3 TO SUBPART MMMM OF PART 63.—DEFAULT ORGANIC HAP MASS FRACTION FOR SOLVENTS AND SOLVENT BLENDS
Solvent/solvent blend CAS. No. Average organic HAP mass fraction
Typical organic HAP, percent by mass
1. Toluene
..... 108–88–3 1.0 Toluene.
2. Xylene(s)
..... 1330–20–7 1.0 Xylenes, ethylbenzene.
3. Hexane
..... 110–54–3 0.5 n-hexane.

4. n-Hexane
..... 110–54–3 1.0 n-hexane.
5. Ethylbenzene
100–41–4 1.0 Ethylbenzene.
6. Aliphatic 140
..... 0 None.
7. Aromatic 100
..... 0.02 1% xylene, 1% cumene.
8. Aromatic 150
..... 0.09 Naphthalene.
9. Aromatic naphtha
64742–95–6 0.02 1% xylene, 1% cumene.
10. Aromatic solvent
64742–94–5 0.1 Naphthalene.
11. Exempt mineral spirits
8032–32–4 0 None.
12. Ligroines (VM & P)
8032–32–4 0 None.
13. Lactol spirits
64742–89–6 0.15 Toluene.
14. Low aromatic white spirit
..... 64742–82–1 0 None.
15. Mineral spirits
64742–88–7 0.01 Xylenes.
16. Hydrotreated naphtha
64742–48–9 0 None.
17. Hydrotreated light distillate
..... 64742–47–8 0.001 Toluene.
18. Stoddard solvent
8052–41–3 0.01 Xylenes.
19. Super high-flash naphtha
64742–95–6 0.05 Xylenes.
20. Varsol. solvent
8052–49–3 0.01 0.5% xylenes, 0.5% ethylbenzene.
21. VM & P naphtha
64742–89–8 0.06 3% toluene, 3% xylene.
22. Petroleum distillate mixture
68477–31–6 0.08 4% naphthalene, 4% biphenyl.
You may use the mass fraction values
in the following table for solvent blends
for which you do not have test data or
manufacturer's formulation data.
TABLE 4 TO SUBPART MMMM OF PART
63.—DEFAULT ORGANIC HAP MASS FRACTION FOR PETROLEUM SOLVENT GROUPS a

Solvent type	Average organic HAP mass fraction	Typical organic HAP, percent by mass
Aliphatic b	0.03	1% Xylene, 1% Toluene, and 1% Ethylbenzene.
Aromatic c	0.06	4% Xylene, 1% Toluene, and 1% Ethylbenzene.

a Use this table only if the solvent blend does not match any of the solvent blends in Table 3 to this subpart by either solvent blend name or CAS number and you only know whether the blend is aliphatic or aromatic.
b Mineral Spirits 135, Mineral Spirits 150 EC, Naphtha, Mixed Hydrocarbon, Aliphatic Hydrocarbon, Aliphatic Naphtha, Naphthol Spirits, Petroleum Spirits, Petroleum Oil, Petroleum Naphtha, Solvent Naphtha, Solvent Blend.
c Medium-flash Naphtha, High-flash Naphtha, Aromatic Naphtha, Light Aromatic Naphtha, Light Aromatic Hydrocarbons, Aromatic Hydrocarbons, Light Aromatic Solvent.

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Appendix A to Subpart MMMM of Part
63—Alternative Capture Efficiency and
Destruction Efficiency Measurement
and Monitoring Procedures for Magnet
Wire Coating Operations
1.0 Introduction.
1.1 These alternative procedures for
capture efficiency and destruction efficiency
measurement and monitoring are intended
principally for newer magnet wire coating
machines where the control device is internal
and integral to the oven so that it is difficult

or infeasible to make gas measurements at the inlet to the control device.

1.2 In newer gas fired magnet wire ovens with thermal control (no catalyst), the burner tube serves as the control device (thermal oxidizer) for the process. The combustion of solvents in the burner tube is the principal source of heat for the oven.

1.3 In newer magnet wire ovens with a catalyst there is either a burner tube (gas fired ovens) or a tube filled with electric heating elements (electric heated oven) before the catalyst. A large portion of the solvent is often oxidized before reaching the catalyst. The combustion of solvents in the tube and across the catalyst is the principal source of heat for the oven. The internal catalyst in these ovens cannot be accessed without disassembly of the oven. This disassembly includes removal of the oven insulation. Oven reassembly often requires the installation of new oven insulation.

1.4 Some older magnet wire ovens have external afterburners. A significant portion of the solvent is oxidized within these ovens as well.

1.5 The alternative procedure for destruction efficiency determines the organic carbon content of the volatiles entering the control device based on the quantity of coating used, the carbon content of the volatile portion of the coating and the efficiency of the capture system. The organic carbon content of the control device outlet (oven exhaust for ovens without an external afterburner) is determined using Method 25 or 25A.

1.6 When it is difficult or infeasible to make gas measurements at the inlet to the control device, measuring capture efficiency with a gas-to-gas protocol (see § 63.3965(d)) which relies on direct measurement of the captured gas stream will also be difficult or infeasible. In these situations, capture efficiency measurement is more appropriately done with a procedure which does not rely on direct measurement of the captured gas stream.

1.7 Magnet wire ovens are relatively small compared to many other coating ovens. The exhaust rate from an oven is low and varies as the coating use rate and solvent loading rate change from job to job. The air balance in magnet wire ovens is critical to product quality. Magnet wire ovens must be operated under negative pressure to avoid smoke and odor in the workplace, and the exhaust rate must be sufficient to prevent over heating within the oven.

1.8 The liquid and gas measurements needed to determine capture efficiency and control device efficiency using these alternative procedures may be made simultaneously.

1.9 Magnet wire facilities may have many (*e.g.*, 20 to 70 or more) individual coating lines each with its own capture and control system. With approval, representative capture efficiency and control device efficiency testing of one magnet wire coating machine out of a group of identical or very similar magnet wire coating machines may be performed rather than testing every individual magnet wire coating machine. The operating parameters must be established for each tested magnet wire coating machine during each capture efficiency test and each control device efficiency test. The operating parameters established for each tested magnet wire coating machine also serve as the operating parameters for untested or very

similar magnet wire coating machines
represented by a tested magnet wire coating
machine.
2.0 Capture Efficiency.
2.1 If the capture system is a permanent
total enclosure as described in § 63.3965(a),
then its capture efficiency may be assumed
to be 100 percent.
2.2 If the capture system is not a
permanent total enclosure, then capture
efficiency must be determined using the
liquid-to-uncaptured-gas protocol using a
temporary total enclosure or building
enclosure in § 63.3965(c), or an alternative
capture efficiency protocol (see § 63.3965(e)) which does not rely on
direct measurement of the captured gas stream.
2.3 As an alternative to establishing and
monitoring the capture efficiency operating
parameters in § 63.3967(f), the monitoring
described in either section 2.4 or 2.5,
and the monitoring described in
sections 2.6 and 2.7 may be used for
magnet wire coating
machines.
2.4 Each magnet wire oven must be
equipped with an interlock mechanism
which will stop or prohibit the application of
coating either when any exhaust fan for that
oven is not operating or when the oven
experiences an over limit temperature
condition.
2.5 Each magnet wire oven must be
equipped with an alarm which will be
activated either when any oven exhaust fan
is not operating or when the oven
experiences an over limit temperature
condition.
2.6 If the interlock in 2.4 or the alarm in
2.5 is monitoring for over limit temperature
conditions, then the temperature(s) that will
trigger the interlock or the alarm must be
included in the start-up, shutdown and
malfunction plan and the interlock or alarm
must be set to be activated when the oven
reaches that temperature.
2.7 Once every 6 months, each magnet
wire oven must be checked using a smoke
stick or equivalent approach to confirm that
the oven is operating at negative pressure
compared to the surrounding atmosphere.
3.0 Control Device Efficiency.
3.1 Determine the weight fraction carbon
content of the volatile portion of each
coating, thinner, additive, or cleaning
material used during each test run using
either the procedure in section 3.2 or 3.3.
3.2 Following the procedures in Method
204F, distill a sample of each coating,
thinner, additive, or cleaning material used
during each test run to separate the volatile
portion. Determine the weight fraction
carbon content of each distillate using ASTM
Method D5291–02, ‘‘Standard Test Methods
for Instrumental Determination of Carbon,
Hydrogen, and Nitrogen in Petroleum
Products and Lubricants’’ (incorporated by
reference, see § 63.14).
3.3 Analyze each coating, thinner,
additive or cleaning material used during
each test run using Method 311. For each
volatile compound detected in the gas
chromatographic analysis of each coating,
thinner, additive, or cleaning material
calculate the weight fraction of that whole
compound in the coating, thinner, additive,
or cleaning material. For each volatile
compound detected in the gas

chromatographic analysis of each coating,
thinner, additive, or cleaning material calculate the weight fraction of the carbon in
that compound in the coating, thinner,
additive, or cleaning material. Calculate the
weight fraction carbon content of each
coating, thinner, additive, or cleaning material as the ratio of the sum of the carbon
weight fractions divided by the sum of the
whole compound weight fractions.
3.4 Determine the mass fraction of total
volatile hydrocarbon (TVHi) in each coating,
thinner, additive, or cleaning material, i,
used during each test run using Method 24.
The mass fraction of total volatile hydrocarbon equals the weight fraction
volatile matter (Wv in Method 24) minus the
weight fraction water (Ww in Method 24), if
any, present in the coating. The ASTM
Method D6053–00, ‘‘Standard Test Method
for Determination of Volatile Organic
Compound (VOC) Content of Electrical
Insulating Varnishes’’ (incorporated by
reference, see § 63.14), may be used as an
alternative to Method 24 for magnet wire
enamels. The specimen size for testing
magnet wire enamels with ASTM Method
D6053–00 must be 2.0 } 0.1 grams.
3.5 Determine the volume (VOLi) or mass
(MASSi) of each coating, thinner, additive, or cleaning material, i, used during each test
run.
3.6 Calculate the total volatile hydrocarbon input (TVHCinlet) to the control device during each test run, as carbon, using
Equation 1:

$$TVHC_{inlet} = \sum_{i=1}^{n} (TVH_i \times VOL_i \times D_i \times CD_i)$$

(Eq. 1)

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where:
TVHi = Mass fraction of TVH in coating,
thinner, additive, or cleaning material, i,
used in the coating operation during the test run.
VOLi = Volume of coating, thinner, additive, or cleaning material, i, used in the
coating operation during the test run, liters.
Di = Density of coating, thinner, additive, or cleaning material, i, used in the coating
operation during the test run, kg per liter.
CDi = Weight fraction carbon content of the
distillate from coating, thinner, additive,
or cleaning material, i, used in the coating operation during the test run, percent.
n = Number of coating, thinner, additive, and cleaning materials used in the coating operation during the test run.
3.7 If the mass, MASSi, of each coating,
solvent, additive, or cleaning material, i, used during the test run is measured directly then MASSi can be substituted for
VOLi ~ Di in Equation 1 in section 3.6.
3.8 Determine the TVHC output (TVHCoutlet) from the control device, as
carbon, during each test run using the
methods in § 63.3966(a) and the procedure
for determining Mfo in § 63.3966(d).
TVHCoutlet equals Mfo times the length of the
test run in hours.
3.9 Determine the control device efficiency (DRE) for each test run using
Equation 2:

$$DRE = \frac{(TVHC_{inlet} - TVHC_{outlet})}{TVHC_{inlet}} \times 100$$

(Eq. 2)

3.10 The efficiency of the control device
is the average of the three individual test run
values determined in section 3.9.
3.11 As an alternative to establishing and

monitoring the destruction efficiency operating parameters for catalytic oxidizers
in § 63.3967(b), the monitoring described in
sections 3.12 and 3.13 may be used for
magnet wire coating machines equipped with catalytic oxidizers.
3.12 During the performance test, you
must monitor and record the temperature
either just before or just after the catalyst bed at least once every 15 minutes during each of the three test runs. Use the data collected during the performance test to calculate and record the average temperature either just before or just after the catalyst bed during the performance test. This is the minimum operating limit for your catalytic oxidizer and for the catalytic oxidizers in identical or very similar magnet wire coating machines represented by the tested magnet wire coating machine.
3.13 You must develop and implement an
inspection and maintenance plan for your
catalytic oxidizer(s). The plan must address,
at a minimum, the elements specified in
sections 3.14 and 3.15, and the elements
specified in either (a) section 3.16 or (b)
sections 3.17 and 3.18.
3.14 You must conduct a monthly external inspection of each catalytic oxidizer
system, including the burner assembly and
fuel supply lines for problems and, as necessary, adjust the equipment to assure
proper air-to-fuel mixtures.
3.15 You must conduct an annual internal inspection of each accessible catalyst bed to check for channeling, abrasion, and settling. If problems are found, you must replace the catalyst bed or take corrective action consistent with the manufacturer's recommendations. This provision does not apply to internal catalysts which cannot be accessed without disassembling the magnet wire oven.
3.16 You must take a sample of each
catalyst bed and perform an analysis of the
catalyst activity (*i.e.*, conversion efficiency)
following the manufacturer's or catalyst
supplier's recommended procedures. This
sampling and analysis must be done within
the time period shown in Table 1 below of
the most recent of the last catalyst activity
test or the last catalyst replacement. For
example, if the warranty for the catalyst is 3
years and the catalyst was more recently
replaced then the sampling and analysis
must be done within the earlier of 26,280
operating hours or 5 calendar years of the last
catalyst replacement. If the warranty for the catalyst is 3 years and the catalyst was more
recently tested then the sampling and analysis must be done within the earlier of 13,140 operating hours or 3 calendar years of the last catalyst activity test. If problems are found during the catalyst activity test, you must replace the catalyst bed or take corrective action consistent with the
manufacturer's recommendations.
TABLE 1.—CATALYST MONITORING REQUIREMENTS
If the catalyst was last (more recently) replaced
and the warranty period is . . .
Then the time between catalyst replacement
and the next catalyst activity test cannot exceed
the earlier of . . .
And the catalyst was more recently tested,
then the time between catalyst activity tests
cannot exceed the earlier of . . .
1 year
..... 8,760 operating hours or 5 calendar years ..... 8,760 operating hours or 3 calendar years.
2 years
..... 15,520 operating hours or 5 calendar years ... 8,760 operating hours or 3 calendar years.
3 years
..... 26,280 operating hours or 5 calendar years ... 13,100 operating hours or 3 calendar years.
4 years
.....

..... 35,040 operating hours or 5 calendar years ... 17,520 operating hours or 3 calendar years.
5 or more years
.....
43,800 operating hours or 5 calendar years ... 21,900 operating hours or 3 calendar years.
3.17 During the performance test, you
must determine the average concentration of
organic compounds as carbon in the magnet
wire oven exhaust stack gases (Cc in Equation 1 in § 63.3966(d)) and the destruction efficiency of the catalytic oxidizer, and calculate the operating limit for oven exhaust stack gas concentration as follows. You must identify the highest organic HAP content coating used on this magnet wire coating machine or any identical or very similar magnet wire coating machines to which the same destruction efficiency test results will be applied. Calculate the percent emission reduction necessary to meet the magnet wire coating emission limit when using this coating. Calculate the average concentration of organic compounds as carbon in the magnet wire oven exhaust stack gases that would be equivalent to exactly meeting the magnet wire coating emissions limit when using the highest organic HAP content coating. The maximum operating limit for oven exhaust stack gas concentration equals 90 percent of this calculated concentration.
3.18 For each magnet wire coating machine equipped with a catalytic oxidizer
you must perform an annual 10 minute test
of the oven exhaust stack gases using EPA
Method 25A. This test must be performed
under steady state operating conditions
similar to those at which the last destruction
efficiency test for equipment of that type
(either the specific magnet wire coating
machine or an identical or very similar
magnet wire coating machine) was
conducted. If the average exhaust stack gas
concentration during the annual test of a
magnet wire coating machine equipped with
a catalytic oxidizer is greater than the
operating limit established in section 3.17
then that is a deviation from the operating
limit for that catalytic oxidizer. If problems
are found during the annual 10-minute test
of the oven exhaust stack gases, you must
replace the catalyst bed or take other
corrective action consistent with the
manufacturer’s recommendations.
3.19 If a catalyst bed is replaced and the
replacement catalyst is not of like or better
kind and quality as the old catalyst, then you

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must conduct a new performance test to
determine destruction efficiency according to § 63.3966 and
establish new operating limits for that catalytic oxidizer unless
destruction efficiency test results and operating limits for an
identical or very similar unit (including consideration of the
replacement catalyst) are available and approved for use for the
catalytic oxidizer with the replacement catalyst.
3.20 If a catalyst bed is replaced and the
replacement catalyst is of like or better kind
and quality as the old catalyst, then a new
performance test to determine destruction
efficiency is not required and you may
continue to use the previously established
operating limits for that catalytic oxidizer.
[FR Doc. 03–21917 Filed 12–31–03; 8:45 am]

B. State Only Enforceable Permit To Install Facility Specific Terms and Conditions

None.

Part III - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
K033 - Department 173 (was 348B) Printing/Coating Line - modification	OAC rule 3745-31-05(A)(3)	The volatile organic content limitation for cleanup/pan solvent shall not exceed 7.76 pounds per gallon. The emissions from natural gas and propane combustion in the drying ovens shall not exceed the following: 0.62 lbs/hr and 2.7 tons/yr NOx; 0.33 lb/hr and 1.45 tons/yr CO; 0.03 lb/hr and 0.13 ton/yr filterable PM; 0.07 lb/hr and 0.30 ton/yr SO2; and 0.02 lb/hr and 0.1 ton/yr VOC. The requirements of this rule also include compliance with the requirements of OAC rule 3745-31-05(C), OAC rule 3745-21-09(U)(1), and OAC rule 3745-17-10(B).
	OAC rule 3745-17-10(B)	See A.2.b and A.2.c.
	OAC rule 3745-21-09(U)(2)(f)	0.02 lb PE per mmBtu for the drying oven VOC content of non-compliant extreme performance coatings shall not exceed 5.21 lbs VOC/gallon, as applied minus water and exempt solvents
	40 CFR Part 63, Subpart MMMM	

OAC rule 3745-31-05(C)	See A.2.a and A.2.b, below. See A.2.d. See Part II.A of this permit. Volatile Organic Compound (VOC) emissions from coatings, pan and cleanup materials shall not exceed 18.874 tons VOC per rolling 12 month period. See B.3

2. Additional Terms and Conditions

2.a Pursuant to OAC rule 3745-21-09(U)(2)(f), the best available technology has been determined to be extreme performance coatings that have a VOC content greater than the limitations of OAC rules 3745-21-09(U)(1)(c).

2.b This facility shall, on an ongoing basis, evaluate the availability of an alternate coating and coating method that will reduce the emissions from this source and meet the coating specifications of the desired product. Should an alternate coating and/or coating method become available, as based on the Best Available Technology (BAT) for this type of operation, this facility shall submit a schedule for implementation of the alternate coatings and/or coating method within 30 days of the availability.

This facility shall submit quarterly reports that summarize the evaluation of an alternate coating and coating method which details the following information for each coating and/or coating method evaluated:

i. The VOC content, in pounds per gallon;
ii. The acceptability;
iii. The reason why the alternative coating does not meet specification, for unacceptable coatings;
iv. The expected reduction in VOC emissions from the utilization of the acceptable alternate coatings; and
v. The cost of modifying the source to utilize the alternate coatings and/or coating method.

These reports shall be submitted by February 15, May 15, August 15, and November 15 of each year and shall cover the previous calendar quarter (October through December, January through March, April through June, and July through September, respectively).

Once the facility employs coatings in compliance with the requirements of OAC rule 3745-21-09(U)(1) in this source, the evaluation process of alternate coatings and the reporting requirement of this term will be discontinued.

2.c The emission limitations for PM10, SO2, NOx, CO and VOC from combustion of natural gas and/or propane in the drying ovens is established to reflect potential to emit for this emissions unit. Therefore, record keeping and reporting requirements are not necessary to ensure compliance with these limits.

2.d Extreme performance coatings are exempted by the BAT determination in this permit and the exemption under OAC rule 3745-21-09(U)(2)(f) in this permit to install from the requirements for extreme performance coatings in OAC rule 3745-21-09(U)(1). If at any time a non-extreme performance coating is used in K048, that coating must comply with the requirements of OAC rule 3745-21-09(U)(1).

For the purposes of discontinuing the coating evaluation in A.2.b, the VOC content of compliant extreme performance coatings shall not exceed 3.5 lbs VOC/gallon, as applied minus water and exempt solvents.

II. Operational Restrictions

1. The permittee shall burn only natural gas or propane in this emission unit.

2. As of the applicable compliance date from 40 CFR Part 63, Subpart MMMM, the permittee shall employ all applicable operating limits and work practice standards detailed in §§63.3892 and 63.3893 of that subpart, provided the facility meets the definitions of an affected source as defined in §§63.3881 and 63.3882 of 40 CFR Part 63, Subpart MMMM.

3. The weight of volatile organic materials applied/used for K048 shall not exceed 27.8 tons of per rolling 12 months, calculated using the following formula:

$$27.8 \text{ tons VOC} \geq \sum_{n=1}^{i} \frac{(Pi)(VOCi)[1 - (capture*DRE)]}{2000 \text{ lbs/ton}} - \frac{(Po)(VOCo)}{2000 \text{ lbs/ton}}$$

where:

P_i =	usage of coating or pan/cleanup solvent *i* in gallons for the last 12 months
VOC*i* =	volatile Organic compound content of coating *i* or pan/cleanup solvent *i* in pounds VOC per gallon.
P*o* =	recovered pan/cleanup solvent *o* in gallons for the last 12 months
VOC*o* =	volatile Organic compound content of pan/cleanup material *o* in pounds VOC per gallon.
capture =	the capture efficiency, assumed to be 0%
DRE =	destruction removal efficiency of any control device, 0% without controls

The permittee has sufficient existing records to demonstrate compliance with this limitation during the first twelve months after issuance of this permit.

III. Monitoring and/or Recordkeeping Requirements

1. The permittee shall collect and record the following information each month for this emissions unit:

   a. the name and identification number of each coating, and cleanup/pan solvent material, as applied;

   b. the VOC content of each coating, minus water and exempt solvents, as applied;

   c. the VOC content of each cleanup/pan solvent material employed;

   d. the volume in gallons of each coating employed;

   e. the volume in gallons of each cleanup/pan solvent material employed;

   f. the monthly VOC emissions from the coatings, and cleanup/pan solvent materials employed, i.e., multiply the monthly volume, in gallons, of each coating and cleanup/pan solvent material employed by its respective VOC content less water and exempt solvents, and summarize the results;

   g. the rolling, 12 month weight of volatile organic materials applied/used summation for coatings, and cleanup/pan solvent employed as calculated per B.3;

   h. the rolling, 12 month summation of VOC emissions from the coating, and cleanup/pan solvent material employed, prior to any credit for recovered materials i.e., the 12 month summation of II.1.f performed at the end each month for the past 12 months; and

   i. if a credit from recovered materials is applied, the rolling, 12 month summation of VOC emissions from the coating, ink, and cleanup/pan solvent material employed, less the total emissions credit from recovered materials shipped during the 12 month period (Section III.1.h - Section III.2.e).

2. If a credit for recovered cleanup/pan solvent material is used to demonstrate compliance and/or used in the calculation of rolling, 12 month emission calculations, the permittee shall maintain the following records for the recovered cleanup/pan solvent material, and the recovery drum or tank serving this emissions unit:

   a. the date recovered materials were first added to the recovery tank/drum and the date the materials from the recovery drum or tank were shipped off site;

b. the total amount of material collected and shipped for recycle/recovery and/or disposal at an outside facility, in gallons, on the day it is shipped;

c. a record of the VOC content of each cleanup/pan solvent material that is collected for recovery, in pounds per gallon, or a record of the testing results of the VOC content of the material shipped;

d. the mass (lbs) of VOC to be credited to the rolling, 12 month emissions summation, from each shipment of recovered material, calculated using the lowest VOC content of any cleanup/pan solvent material recovered, unless a higher VOC content is established from the testing results of the recovered material shipped (i.e., b x c), and the date of each such shipment or record of credit; and

e. the record of the total amount of VOC emissions (lbs or tons) that may be applied as a credit, for the materials shipped for recycle/recovery and/or disposal at an outside facility, summed from the records of the VOC emission credits (d), for each shipment recorded during the rolling 12 month period.

3. For each day during which the permittee burns fuel other than natural gas or propane in this emissions unit, the permittee shall maintain a record of the type and quantity of fuel burned.

4. The permittee shall, as of the applicable compliance date from 40 CFR Part 63, Subpart MMMM, collect and keep all applicable records of the data and information detailed in §63.3930 of that subpart in the manner detailed in §63.3931 of that subpart.

IV. Reporting Requirements

1. The permittee shall notify the Director (the Ohio EPA, Southwest District Office) in writing of any monthly record showing the use of noncomplying coatings. These notifications shall include a copy of such record and shall be sent to the Director (the Ohio EPA, Southwest District Office) within 30 days following the end of the calendar month.

2. The permittee shall submit quarterly deviation (excursion) reports which identify all exceedances of the rolling, 12 month emission limitation for volatile organic compounds (18.874 tons).

   These quarterly deviation (excursion) reports shall be submitted in accordance with Part I - General Terms and Conditions A.1.c.

3. The permittee shall notify the Director (the Ohio EPA, Southwest District Office) of any record showing the use of a fuel other than natural gas or propane was burned in this emissions unit. The notification shall include a copy of such record and shall be sent to the Director (the Ohio EPA, Southwest District Office) within 30 days following the end of the calendar month.

4. The permittee shall, as of the applicable compliance dates from 40 CFR Part 63, Subpart MMMM, submit all applicable reports and notifications detailed in §§63.3910 and 63.3920 of that subpart.

V. Testing Requirements

1. Emission Limitation:
Volatile Organic Compound (VOC) emissions from this emissions unit excluding oven emissions shall not exceed 18.874 tons VOC per rolling 12 month period.

Applicable Compliance Method:
Compliance with the above term shall be demonstrated through the record keeping requirements in section III of this emission unit. VOC emissions from coatings, pan and cleanup materials per rolling 12-month period shall be calculated according to the following formula:

$$18.874 \text{ tons VOC} \geq \sum_{n=1}^{i} \frac{(Pi)(VOCi)[1 - (capture*DRE)]}{2000 \text{ lbs/ton}}$$

where:

P_i =	usage of coating *i* or cleanup/pan material *i* in gallons
VOC*i* =	volatile Organic compound content of coating *i* or cleanup/pan material *i* in pounds VOC per gallon.
capture =	the capture efficiency, assumed to be 0%
DRE =	destruction removal efficiency of any control device, 0% without controls

2. Emission Limitation:
VOC content of coatings shall not exceed 5.36 lbs VOC/gallon, as applied minus water and exempt solvents

Applicable Compliance Method:
Formulation data or USEPA Method 24 shall be used to determine the VOC content of the coatings. The record keeping requirements contained in Section III.1 shall demonstrate that only materials with these VOC content limitations are applied.

3. Emission Limitation:
The emissions from natural gas and propane combustion in the drying ovens shall not exceed the following:

0.62 lbs/hr and 2.7 tons/yr NOx;
0.33 lb/hr and 1.45 tons/yr CO;
0.03 lb/hr and 0.13 ton/yr filterable PM;
0.07 lb/hr and 0.30 ton/yr SO2; and
0.02 lb/hr and 0.1 ton/yr VOC.

Applicable Compliance Method:
Compliance with the limits for natural gas combustion within the drying ovens shall be based upon the emission factors from AP-42 "Compilation of Air Pollutant Emission Factors", Tables 1.4-1 and 1.4-2 (7/98). These emission factors (lb pollutant/10^6 scf) multiplied by the maximum hourly gas burning capacity of the burners (one at 0.78125 mmBtu/hr, two at 1 mmBtu/hr, and

four at 0.3125 mmBtu/hr) and times 1 scf/1000 Btu shall be the demonstration of compliance with the hourly limits. Compliance with the ton per year limits are documented by multiplying the calculated hourly limits by 8760 hours in a year and dividing by 2000 pounds.

Compliance with the limits for propane combustion within the drying ovens shall be based upon the emission factors from AP-42 "Compilation of Air Pollutant Emission Factors", Tables 1.5-1 (10/96) These emission factors (lb pollutant/10^3 gallons) multiplied by the maximum hourly gas burning capacity of the burners (one at 0.78125 mmBtu/hr, two at 1 mmBtu/hr, and four at 0.3125 mmBtu/hr) and divided by the 91.5 MMBtu/10^3 gallons shall be the demonstration of compliance with the hourly limits. Compliance with the ton per year limits are documented by multiplying the calculated hourly limits by 8760 hours in a year and dividing by 2000 pounds.

4. Emission Limitation:
0.02 lb PE per mmBtu for the drying oven

Applicable Compliance Method:
Compliance with this limit shall be based upon the requirement for burning only natural gas or propane for this emissions unit. If required, the permittee shall demonstrate compliance with this emissions limitation through a compliance demonstration performed in accordance with 40 CFR Part 60, Appendix A, Method 1 thru 5 and the procedures specified in OAC rule 3745-17-03(B)(10).

5. Emission Limitation:
The permittee is subject to the HAP content limitations detailed in 40 CFR Part 63, Subpart MMMM §63.3890 as of the applicable compliance date detailed in that subpart.

Applicable Compliance Method:
The permittee shall, as of the applicable compliance date from 40 CFR Part 63, Subpart MMMM, demonstrate compliance using the applicable methods detailed in §63.3940 through §63.3968 inclusive, of that subpart.

6. Emission Limitation:
VOC content of cleanup/pan solvent shall not exceed 7.76 lbs VOC/gallon, as applied

Applicable Compliance Method:
Formulation data or USEPA Method 24 shall be used to determine the VOC content of the coatings. The record keeping requirements contained in Section III.1 shall demonstrate that only materials with these VOC content limitations are applied.

VI. Miscellaneous Requirements

For purposes of this permit, the following definitions shall apply:

1. "Compliant" extreme performance coatings shall be defined as extreme performance coatings that comply with the VOC content limitation as specified in OAC rule 3745-21-09(U)(1)(c).

2. "Non-compliant" extreme performance coatings shall be defined as extreme performance coatings that do not comply with the VOC content limitation as specified in OAC rule 3745-21-09(U)(1)(c), but comply with the content limitation as determined by OAC rule 3745-21-09(U)(2)(f).

B. State Only Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
K033 - Department 173 (was 348B) Printing/Coating Line - modification	OAC rule 3745-31-05	LIMIT(s)

2. Additional Terms and Conditions

2.a None

II. Operational Restrictions

None

III. Monitoring and/or Recordkeeping Requirements

1. The permit to install for this emissions unit (K033) was evaluated based on the actual materials (typically coatings and cleanup materials) and the design parameters of the emissions unit's exhaust system, as specified by the permittee in the permit to install application. The Ohio EPA's “Review of New Sources of Air Toxic Emissions” policy ("Air Toxic Policy") was applied for each pollutant emitted by this emissions unit using data from the permit to install application and the SCREEN 3.0 model. The predicted 1-hour maximum ground-level concentration from the use of the SCREEN 3.0 model was compared to the Maximum Acceptable Ground-Level Concentration (MAGLC). The following summarizes the results of the modeling for the “worst case” pollutant(s):

   Pollutant: Methyl ethyl ketone (MEK)

   TLV (mg/m3): 590 mg/m3

   Maximum Hourly Emission Rate (g/sec): 2.97 (facility-wide)

   Predicted 1-Hour Maximum Ground-Level Concentration (ug/m3): 1080

MAGLC (ug/m3): 14,000

Physical changes to or changes in the method of operation of the emissions unit after its installation or modification could affect the parameters used to determine whether or not the "Air Toxic Policy" is satisfied. Consequently, prior to making a change that could impact such parameters, the permittee shall conduct an evaluation to determine that the "Air Toxic Policy" will still be still satisfied. If, upon evaluation, the permittee determines that the "Air Toxic Policy" will not be satisfied, the permittee will not make the change. Changes that can affect the parameters used in applying the "Air Toxic Policy" include the following:

a. changes in the composition of the materials used (typically for coatings or cleanup materials), or the use of new materials, that would result in the emission of a compound with a lower Threshold Limit Value (TLV), as indicated in the most recent version of the handbook entitled "American Conference of Governmental Industrial Hygienists (ACGIH)," than the lowest TLV value previously modeled;

b. changes in the composition of the materials, or use of new materials, that would result in an increase in emissions of any pollutant with a listed TLV that was proposed in the application and modeled; and

c. physical changes to the emissions unit or its exhaust parameters (e.g., increased/ decreased exhaust flow, changes in stack height, changes in stack diameter, etc.).

If the permittee determines that the "Air Toxic Policy" will be satisfied for the above changes, the Ohio EPA will not consider the change(s) to be a "modification" under OAC rule 3745-31-01(AAA)(1)(a)(ii), and a modification of the existing permit to install will not be required. If the change(s) is (are) defined as a modification under other provisions of the modification definition (other than (AAA)(1)(a)(ii)), then the permittee shall obtain a final permit to install prior to the change.

2. The permittee shall collect, record, and retain the following information when it conducts evaluations to determine that the changed emissions unit will still satisfy the "Air Toxic Policy:"

a. a description of the parameters changed (composition of materials, new pollutants emitted, change in stack/exhaust parameters, etc.);

b. documentation of its evaluation and determination that the changed emissions unit still satisfies the "Air Toxic Policy"; and

c. where computer modeling is performed, a copy of the resulting computer model runs that show the results of the application of the "Air Toxic Policy" for the change.

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None