TransMontaigne Terminals, LLC
Port Everglades North Terminal
Facility ID No.: 0110069
Broward County

Title V Air Operation Permit Renewal
FINAL Permit No.: 0110069-020-AV

Permitting and Compliance Authority:
Broward County Environmental Protection and Growth Management Department
Pollution Prevention, Remediation and Air Quality Division (PPRAQD)
One North University Drive, Suite 203
Plantation, FL 33324
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Table of Contents

Section	**Page**
Placard Page	1
I. Facility Information	2
A. Facility Description.	
B. Summary of Emissions Unit ID No(s). and Brief Description(s).	
C. Relevant Documents.	
II. Facility-wide Conditions	3
III. Emissions Unit(s) and Conditions	
Section	
[A] Loading Rack with Vapor Recovery Unit (VRU)	5
[B] Hot Oil Heaters	15
[C] Marine Loading/Unloading and Vessel Bunkering	16
[D] Boiler No.1	19
[E] Petroleum Products (excluding Gasoline) Storage Tanks	20
[F] Gasoline Storage Tanks with Internal Floating Roof and Domed External Floating Roof	21
[G] Fugitive Volatile Organic Compounds Emissions Sources	25
[H] Diesel Fired Engines - Yard Usage	27
IV. Appendices	
[1] General Notification and Reporting Requirement, (NSPS, 40 CFR 60.19)	30
[2] Notification and Recordkeeping (NSPS, 40 CFR 60.7)	32
[3] General Compliance Test Requirements (Rule 62-297.310, F.A.C.)	33
[4] Table 1 to Subpart R of Part 63—General Provisions Applicability to Subpart R	37
[5] Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ	38
[6] Part 63 Subpart A—General Provisions (partial listing)	39
[7] Compliance Assurance Monitoring (CAM) for Marine Loading Rack	83
V. Attachments	
SOB, Statement of Basis	
TV: Title V Conditions (version dated 07/2008)	
RR: Facility-wide Title V Reporting Requirements	
I-1: List of Insignificant Emissions Units and/or Activities	
H-1: Permit History	
Table 1-1, - Summary Of Air Pollutant Standards And Terms	
Table 2-1, Summary of Compliance Requirements	
A-1 - Abbreviations, Acronyms, Citations, and Identification No	

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION – AIR QUALITY PROGRAM
One North University Drive, Suite 203, Plantation, Florida 33324
954-519-1260 * Fax: 954-519-1495

Permittee:
TransMontaigne Terminals, LLC

FINAL Permit No.: 0110069-020-AV
Facility ID No.: 0110069
Facility: TransMontaigne Port Everglades North Terminal
SIC No(s).: 51, 517, 5171, 4491
Project: Title V Air Operation Permit Renewal

The purpose of this permitting project is to renew the Title V permit for the above referenced facility. The existing TransMontaigne North Terminal is located at 2401 Eisenhower Boulevard, Fort Lauderdale, Broward County; latitude: 26° 05' 40" north and longitude: 80° 07' 39" west. The mailing address is P.O. Box 13124, Ft. Lauderdale, FL 33316.

The Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213 and 62-214. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit

Effective Date: 1/3/2011
Renewal Application Due Date: 5/23/2015
Expiration Date: 1/3/2016

_____
Daniela Banu
Air Quality Administrator
Broward County Pollution Prevention, Remediation and Air Quality Division

/SJ

Broward County Board of County Commissioners
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Section I. Facility Information

Subsection A. Facility Description.

TransMontaigne Terminals, LLC owns and operates the Port Everglades North Terminal which is a petroleum liquid storage and bulk gasoline terminal located in Fort Lauderdale, Florida. The operations are shown on the following process flow diagram:

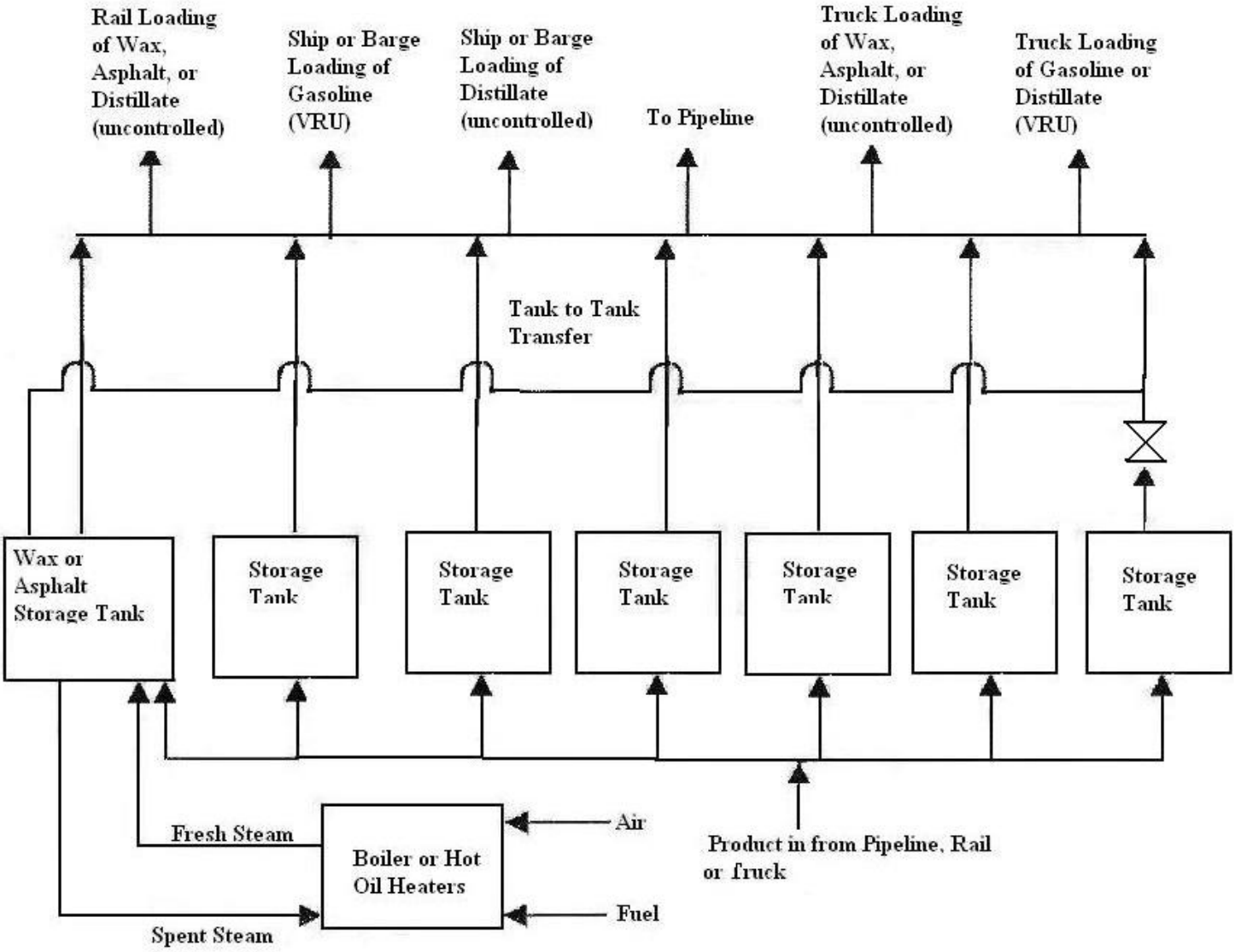

FIGURE 1. Process Flow

There are also miscellaneous insignificant emissions units and/or activities at the facility.

Subsection B. Summary of Emissions Units.

Section	EU No.	Brief Description
	Regulated Emissions Units	
[A]	-031	*Loading Rack with Vapor Recovery Unit (VRU)* This emission unit consists of three loading positions, each equipped with a

		vapor recovery line. During loading of the trucks, accomplished by submerged filling, the displaced vapors are routed to the VRU. This emission unit includes a Continuous Emissions Monitoring System (CEMS).
[B]	-029	*Hot Oil Heaters.* This emission unit consists of Heater No.1 (installed on July 1995) and Heater No.5 (installed on September 2010). The oil heaters heat transfer fluids which are circulated in a closed loop to heat the lines and tanks used to store and transport asphalt and #6 oil.
[C]	-045	*Marine Loading/Unloading and Vessel Bunkering.* Marine tank vessel loading operations (MLO) at Berth 6 consist of controlled gasoline loading using a VRU. Berth means the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill marine tank vessels.
[D]	-038	*Boiler No.1.* The boiler is rated at 8.4 MMBTU/hr, and uses natural gas or No. 2 fuel oil.
[E]	-033	*Petroleum Products (excluding Gasoline) Storage Tanks.* This emission unit consists of tanks that store products other than gasoline.
[F]	-040	*Gasoline Storage Tanks with Internal Floating Roof and Domed External Floating Roof.* This emission unit consists of tanks that may store gasoline or products with lower maximum true vapor pressure than gasoline.
[G]	-037	*Fugitive Volatile Organic Compounds Emissions Sources.* This emission unit includes fugitive VOC emissions from equipment leaks, asphalt loading rack, and top loading rack for No 2 and No 6 fuel oil.
[H]	-039	*Diesel Fired Engines - Yard Usage.* The engines primarily operate product pumps and do not qualify as emergency engines.

Subsection C. Applicable Regulations.

The facility is classified as a synthetic minor source of volatile organic compounds (VOC) air pollutants under the prevention of significance deterioration (PSD) program, and a major source of VOC under the Title V operating permit program. The facility was reclassified from a major source of hazardous air pollutants (HAP) to a synthetic minor source of HAP by adopting self-imposed federally enforceable limits on the truck rack and marine loading operations. However, the facility remains subject to applicable NESHAP regulations when the facility was major for HAP in accordance with the EPA's "once in always in" policy. A summary of applicable regulations is shown in the following table.

Regulation	**EU No(s).**
40 CFR 60, Subpart A, NSPS General Provisions	029
40 CFR 60, Subpart Dc	029
40 CFR 63, Subpart R	031, 040, 037
40 CFR 63, Subpart A, NSPS General Provisions	031, 040, 037
NESHAP 40 CFR 63 Subpart Y	045
Rule 62-296.406, F.A.C	038
NESHAP 40 CFR 63 Subpart ZZZZ	039

Section II.
Facility-wide Conditions.

The following conditions apply facility-wide to all emission units and activities:

FW1. Attachments. The owner or operator shall comply with the requirements of the following Attachments to this permit: TV (Title V Conditions), RR (Facility-wide Title V Reporting Requirements), and I-1 (List of Insignificant Emissions Units and/or Activities).
[Rule 62-213.440, F.A.C.]
{Permitting Note. The following attachments provide information for convenience purposes only and do not supersede any of the terms or conditions of this permit: Table 1-1 (Summary of Air Pollutant Standards and Terms), Table 2-1 (Summary of Compliance Requirements), H-1 (Permit History), and A-1 (Glossary).}

FW2. Objectionable Odor Prohibited. No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.
[Rule 62-296.320(2) and 62-210.200 (220) (Definitions), F.A.C.]

FW3. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by PPRAQD.
[Rule 62-296.320(1), F.A.C.]

FW4. General Visible Emissions. No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C. This regulation does not impose a specific testing requirement.
[Rule 62-296.320(4) (b), F.A.C.]

FW5. Emissions of Unconfined Particulate Matter (PM). No person shall cause, let, permit, suffer or allow the emissions of unconfined PM from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.
[Rule 62-296.320(4) (c), F.A.C]

FW6. Circumvention**.** No person shall circumvent any air pollution device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.,]

FW7. Not Federally Enforceable.

(1) Concealment. No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which will conceal any emission which would otherwise constitute a violation of any provisions of Broward County Codes.

(2) Maintenance. No person shall operate any air pollution control equipment or systems without proper and sufficient maintenance to assure compliance with Broward County Codes.

[Broward County Code, Sec. 27-175(b)]

FW8. Prevention of Accidental Releases (Section 112(r) of CAA).

(1) The permittee shall submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to: RMP Reporting Center, Post Office Box 10162, Fairfax, VA 22038, Telephone: (703) 227-7650.

(2) The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.

[40 CFR 68]

FW9. Annual Emissions Fee Form and Fee. The annual Title V emissions fees are due (postmarked) by March 1st of each year. The completed form and calculated fee shall be submitted to: Major Air Pollution Source Annual Emissions Fee, P.O. Box 3070, Tallahassee, Florida 32315-3070. The forms are available for download by accessing the Title V Annual Emissions Fee On-line Information Center at the following Internet web site: http://www.dep.state.fl.us/air/emission/tvfee.htm.
[Rule 62-213.205, F.A.C.]

Section III.
Emissions Unit(s) and Conditions

Subsection A. This section addresses the following emission unit.

E.U. ID No.	Brief Description
-031	Loading Rack with VRU

This emission unit consists of three loading positions, each equipped with a vapor recovery line. During loading of the trucks, accomplished by submerged filling, the displaced vapors are routed to the VRU. This emission unit includes a Continuous Emissions Monitoring System (CEMS). The CEMS consists of an extractive system with a sampling point located in the absorber of the VRU. Concentration of VOC is measured at the sample point location.

{Permitting Note: (This emission unit is regulated under Rule 62-204.800(11) (b) 11 F.A.C. which adopts by reference 40 CFR 63, Subpart R, Gasoline Distribution Facilities; and Rule 62-296.510 F.A.C., Bulk Gasoline Terminals. This emission unit is not subject to the CAM requirements under 40 CFR 64.)}

The following specific conditions apply to the emissions unit listed above:

Essential Potential to Emit (PTE) Parameters

A.1. Throughput. The throughput shall not exceed 500,000,000 gallons per year of gasoline and 500,000,000 gallons per year of distillate, calculated on a twelve-month rolling average basis.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE)]
{Permitting Note: The self-imposed throughput and emission (see Condition A.4) limits contribute to maintaining the facility classification as a synthetic minor source of VOC and HAPs under the PSD and Title III programs, respectively.}

Emission Limitations and Standards

A.2. [Not federally enforceable] Loading Distillates. Total organic compounds vapors displaced from tank trucks during loading of distillates shall be directed to the loading rack vapor processing system, unless the owners or operator can demonstrate as a practical matter that the tank trucks being loaded do not contain gasoline vapors.
[Broward County Code, Sec. 27-177(f)]

A.3. Gasoline Loading at Bulk Gasoline Terminals. No person shall load gasoline into any tank, trucks, or trailers from any bulk gasoline terminal unless:

(a) Displaced vapors are vented only to the vapor control system; and

(b) A means is provided to prevent liquid waste from the loading device to exceed the quantity specified for the self-sealing coupler or adapter according to API regulation RP 1004 (or equivalent) upon the loading device being disconnected or when it is not in use (the above referenced are available from the American Petroleum Institute, 2101 "L" Street N.W.,Washington, D.C. 20037); and,

(c) All loading and vapor lines equipped with fittings are vapor tight (see Condition G.2. for vapor tightness standard); and

(d) The bulk gasoline terminal is equipped with a properly installed and operated vapor control system complying with F.A.C. Rule 62-296.510 and which recovers vapors from the equipment being controlled or which directs all vapors to a combustion or incineration system.

[Rule 62-296.510(3), F.A.C.]

A.4. Loading Rack Emissions. Emissions to the atmosphere from the vapor collection and processing systems due to the loading of gasoline cargo tanks shall not exceed 10 milligrams of total organic compounds per liter of gasoline loaded.

[40 CFR 63.422(b)]

A.5. Loading Gasoline Tank Trucks. The owner or operator of loading rack at a bulk gasoline terminal subject to the provisions of Subpart R shall comply with the requirements in 40 CFR 60.502 of this chapter except for paragraphs (b), (c), and (j) of that section. shall comply with the following requirements in 40 CFR 60.502, except for paragraphs (b), (c), and (j) of that section.

(a) The loading rack shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading.

(b), (c) (NA for Subpart R)

(d) The vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack.

(e) *Loading requirements.* Loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks. A vapor-tight gasoline tank truck has demonstrated within the 12 preceding months that it meets the annual certification test requirements in Condition A.15.and which is subject at all times to the test requirements in Conditions A.16.(leak detection), A.17.(nitrogen decay) and A.18.(continuous decay) The following are requirements for gasoline tank truck:

(1) *Vapor tightness documentation.* The owner or operator shall obtain the vapor tightness documentation for each gasoline tank truck which is to be loaded at the affected facility. The vapor tightness documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the following information:

1. Test title: Gasoline Delivery Tank Pressure Test--EPA Reference Method 27.
2. Tank owner and address.
3. Tank identification number.
4. Testing location.
5. Date of test.
6. Tester name and signature.
7. Witnessing inspector, if any: Name, signature, and affiliation.
8. Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs)

(2) *Tank identification number - records.* The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility.

(3) *Tank identification number – cross checking.*

(i) The owner or operator shall cross-check each tank identification number obtained in paragraph (e) (2) of this section with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless either of the following conditions is maintained:

(A) If less than an average of one gasoline tank truck per month over the previous 26 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed each quarter; or

(B) If less than an average of one gasoline tank truck per month over the last 52 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed semiannually.

(ii) If either the quarterly or semiannual cross-check provided in paragraphs (e) (3) (i) (A) through (B) of this section reveals that these conditions were not maintained, the source must return to biweekly monitoring until such time as these conditions are again met.

(4) *Non-vapor-tight gasoline tank truck notification.* The terminal owner or operator shall notify the owner or operator of each non-vapor-tight gasoline tank truck loaded at the affected facility within 1 week of the documentation cross-check in paragraph (e) (3) of this section.

(5) *Non-vapor-tight gasoline tank truck reloading.* The terminal owner or operator shall take steps assuring that the non-vapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained which documents that:

(i) The tank truck meets the test requirements in 40 CFR 63.425(e) (see Condition A.15.).

(ii) For each gasoline cargo tank failing the test in 40 CFR 63.425 (f) or (g) (see Conditions A.16. and A.17.) at the facility, the cargo tank either:

(A) Before repair work is performed on the cargo tank, meets the test requirements in 40 CFR 63.425 (g) or (h) (see Conditions A17. or A.18.), or

(B) After repair work is performed on the cargo tank before or during the tests in 40 CFR 63.425 (g) or (h) (see Conditions A17. or A.18.), subsequently passes the annual certification test described in 40 CFR 63.425(e) (see Condition A.15.).

(6) *Alternate procedures*. Alternate procedures to those described in paragraphs (e) (1) through (5) of this section for limiting gasoline tank truck loadings may be used upon application to, and approval by, the Administrator (EPA).

The owner or operator shall maintain and operate the automatic lockout system in accordance with the manufacturer's specifications. The lockout system prevents non-vapor-tight gasoline tank truck from loading products.

(f) *Vapor collection equipment compatibility.* The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.

(g) *Vapor collection systems connections.* The owner or operator shall act to assure that the terminal's and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks.

(h) *Gauge pressure during product loading.* The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in 40 CFR 60.503(d) (see Condition A.14 (9)).

(i) *Pressure-vacuum vent*. No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water).

(j) (NA for Subpart R.)

[40 CFR 63.422(a), (c) 40 CFR 60.502(e)-(i)]

A.6. General Provisions. The owner or operator shall comply with the applicable provisions of 40 CFR Part 63, subpart A (see Appendix 4 of this permit).
[40 CFR 63.420(h)]

A.7. Standards and Maintenance Requirements. The owner or operator shall comply with the applicable provisions for compliance with standards and maintenance requirements (see Appendices 4 and 6 of this permit).

[40 CFR 63.420(h)]

A.8. Excess Emissions.

(1) Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted provided: (a) Best operational practices to minimize emissions are adhered to, and (b) The duration of excess emissions shall be minimized but in no case exceed two hours in any 24-hour period.

(2), (3) NA.

(4) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited.

(5) NA.

(6) In case of excess emissions resulting from malfunctions, each owner or operator shall notify the PPRAQD in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.

[Rules 62-210.700, F.A.C]

Continuous Monitoring Requirements

A.9. CEMS Requirements.

(a) The owner or operator shall calibrate, certify, operate, and maintain, according to the manufacturer's specifications, the CEMS capable of measuring organic compound concentration in the exhaust air stream.

(b) The owner or operator shall operate the vapor processing system in a manner not to exceed the operating parameter value for the organic compound concentration in the exhaust air stream which was established during the formal performance test required by 40 CFR 63.425(b) (see Condition A.14.)

[40 CFR 63.427 (a), (b)]

A.10. General Monitoring Requirements. The owner or operator shall comply with the applicable provisions for monitoring (see Appendices 4 and 6 of this permit).

[40 CFR 63.420(h), 40 CFR 63.8]

{Permitting Note. In accordance with the source's written quality assurance program for the CEMS, the quality control procedures for the CEMS are based on 40 CPR Part 60, Appendix F, Procedure 1: Quality Assurance Requirements for CEMS. The CEMS quality assurance plan is kept onsite and subject to necessary revisions to improve the CEMS performance.}

Test Methods and Procedures

A.11. Common Testing Requirements. Unless otherwise specified in the permit, the owner or operator shall comply with the general compliance test requirements of Rule 62-297.310, F.A.C. (see Appendix 3 of this permit).

[Rules 62-297.310, F.A.C.]

A.12. General Provisions for Performance Testing. The owner or operator shall comply with the applicable general provisions for performance testing (see Appendices 4 and 6 of this permit).

[40 CFR 63.420(h)]

A.13. Testing Frequency

(1) *Formal Compliance Testing on the Loading Rack.* During the 12-month period prior to renewal of the operation permit, the owner or operator shall conduct formal compliance testing on the loading rack using the applicable test methods and procedures (see Condition A.14.). The owner or operator shall also conduct compliance testing at such times when the PPRAQD, after investigation, has good reason to believe that the applicable emission standard of the loading rack is being violated

(2) *CEMS.* In accordance with the performance evaluation requirements and the quality control plan (see Condition A.10.), the relative accuracy test audit (RATA) for the CEMS shall be conducted at least

once every four calendar quarters using the procedures listed in Condition A.14.(c) Cylinder gas audits (CGA) shall be conducted for the remaining three quarters using the procedures listed in Condition A.14.(b)

(3) *Gasoline Cargo Trucks*. Owners of gasoline cargo trucks loading gasoline at the terminal shall obtain the required annual vapor tightness certification in accordance with the procedures listed in Condition A.15. The cargo trucks shall at all times meet the test requirements in Condition A.16 (leak detection), A.17 (nitrogen decay), and A.18 (continuous decay).

[Rules 62-297.310 (7) (a) 3.& 62-297.310(7) (b), F.A.C, 40 CFR 63.7 (3), 40 CFR 63.8 (d) & (e)(4)]

A.14. (a) Loading Rack - Test Methods and Procedures. The owner or operator shall conduct a performance test on the vapor processing and collection system using the test methods and procedures in 40 CFR 60.503, except a reading of 500 ppm shall be used to determine the level of leaks to be repaired under 40 CFR 60.503(b):

(1) *Leakage of vapor*. The owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 500 ppm (as methane) or greater before conducting the performance test.

(2) *Test Duration and Loading Rate.* The performance test shall be 6 hours long during which at least 302,800 liters of gasoline is loaded. If this is not possible, the test may be continued the same day until 302,800 liters of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. In the latter case, the 302,800-liter criterion need not be met. However, as much as possible, testing should be conducted during the 6-hour period in which the highest throughput normally occurs.

{Permitting Note: The 300,000 liter gasoline throughput requirement in 40 CFR 60.503 (c) (1) is superseded by the 302,800 liter requirement in Rule 62-297.440(2) (b) 1.a, F.A.C.}.

(3) *Intermittent Operation*. If the vapor processing system is intermittent in operation, the performance test shall begin at a reference vapor holder level and shall end at the same reference point. The test shall include at least two startups and shutdowns of the vapor processor. If this does not occur under automatically controlled operations, the system shall be manually controlled.

(4) *Emission Rate Calculation*. The emission rate (E) of total organic compounds shall be computed using the following equation:

$$E = K\sum_{i=1}^{n}\left(V_{esi}C_{ei}\right)/L10^{6}$$

where:

E = emission rate of total organic compounds, mg/liter of gasoline loaded.
Vesi = volume of air-vapor mixture exhausted at each interval "i", scm.
Cei = concentration of total organic compounds at each interval "i", ppm.
L = total volume of gasoline loaded, liters.
n = number of testing intervals.
i = emission testing interval of 5 minutes.
K = density of calibration gas, 1.83 x 106 for propane and 2.41 x 10^6 for butane, mg/scm.

(5) *Test Intervals*. The performance test shall be conducted in intervals of 5 minutes. For each interval ``i", readings from each measurement shall be recorded, and the volume exhausted (Vesi) and the corresponding average total organic compounds concentration (Cei) shall be determined. The sampling system response time shall be considered in determining the average total organic compounds concentration corresponding to the volume exhausted.

(6) *Volume (Vesi) Determination*. Method 2A shall be used to determine Vesi for the VRU

(7) *Concentration (Cei) Determination.* Method 25A or 25B shall be used for determining the total organic compounds concentration (Cei) at each interval. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane and ethane content in the exhaust vent by any method (e.g., Method 18) approved by the PPRAQD.

(8) *Volume (L) Determination.* To determine the volume (L) of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.

(9) *Gauge pressure in the delivery tank.* The owner or operator shall use the following procedure to determine compliance with the standard in 40 CFR 60.502(h) (see Condition A.5.(h)), which requires that the vapor collection and liquid loading equipment be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading.

(i) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with ± 2.5 mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.

(ii) During the performance test, the pressure shall be recorded every 5 minutes while a gasoline truck is being loaded; the highest instantaneous pressure that occurs during each loading shall also be recorded. Every loading position must be tested at least once during the performance test.

(10) *Monitored Operating Parameter Value for the CEMS.* For each performance test conducted, the owner or operator shall determine a monitored operating parameter value for the vapor processing system using the following procedure:

(i) During the performance test, continuously record the operating parameter for the organic compound concentration in the exhaust air stream (40 CFR 63.427(a))

(ii) Determine an operating parameter value based on the parameter data monitored during the performance test, supplemented by engineering assessments and the manufacturer's recommendations; and

(iii) Provide for the PPRAQD's approval the rationale for the selected operating parameter value, and monitoring frequency and averaging time, including data and calculations used to develop the value and a description of why the value, monitoring frequency, and averaging time demonstrate continuous compliance with the emission standard in 40 CFR 63.422(b) (see, Condition A.4.)

(11) *Change in the Operating Parameter Values.* For performance tests performed after the initial test, the owner or operator shall document the reasons for any change in the operating parameter value since the previous performance test.

(b) <u>CEMS CGA Procedure</u>. In accordance with the facility quality assurance plan, the owner or operator shall:

(1) Conduct the CGA in accordance with 40 CFR 60, Appendix F, section 5.1.2.

(2) If the CGA inaccuracy exceeds the criteria listed in 40 CFR 60, Appendix F, section 5.1.2 (+/- 15%), the CEMS is malfunctioning and should be repaired and then re-tested. The malfunction state is ended only after passing a subsequent accuracy audit.

(c) <u>CEMS RATA Procedure</u>. In accordance with the source performance evaluation requirements and quality assurance plan, the owner or operator shall:

(1) Conduct Method 205 (Verification of Gas Dilution Systems for Field Instrument Calibrations) before each test to ensure accuracy of calibration gases generated. A precalibrated analyzer is chosen to demonstrate that the gas dilution system produces predictable gas concentrations spanning a range of concentrations. Method 205 requires precision and accuracy to be +/- 2%.

(2) Conduct Method 25B as described in 40 CFR 60, Appendix A (Determination of total gaseous organic concentration using a non-dispersive infrared analyzer.)

(3) Conduct testing in accordance with the US EPA methodology of 40 CFR 60, Appendix B, PS8 regarding performance specification of CEMS.

(4) Calculate the relative accuracy according to the equations listed in 40 CFR 60, Appendix B, PS 2.

(5) Indicate on the RATA data form whether the relative accuracy of the CEMS exceeds either 20% of the mean value of the reference method (RM) test data or 10% of the applicable standard,

whichever is greater. Exceeding either of these specifications indicates that the CEMS is malfunctioning, and corrected actions must be initiated immediately. The malfunction state is ended only after passing a subsequent accuracy audit.

[40 CFR 63.425(a), (b), and (c), 40 CFR 60.503, 40 CFR 63.8 (d) & (e)(4]

{Permitting Note. The CEMS quality assurance plan is kept onsite and is subject to necessary revisions to improve the CEMS performance. Passing the relative accuracy test is an indication that the data obtained from the CEMS is accurate and can be utilized in demonstrating compliance with the loading rack emission standard.}

A.15. Gasoline Cargo Tanks – Annual Vapor Tightness Certification Test. The annual certification test for gasoline cargo tanks shall consist of the following test methods and procedures:

(1) *Method 27, 40 CFR part 60*. Conduct the test using a time period (t) for the pressure and vacuum tests of 5 minutes. The initial pressure (Pi) for the pressure test shall be 460 mm H_2O (18 in. H_2O) gauge. The initial vacuum (Vi) for the vacuum test shall be 150 mm H_2O (6 in. H_2O), gauge. The maximum allowable pressure and vacuum changes (Δp, Δv) are as shown in the second column of Table 2 of this paragraph.

Table 2 of 40 CFR 63.425) —Allowable Cargo Tank Test Pressure or Vacuum Change

Cargo tank or compartment capacity, liters (gal)	Annual certification-allowable pressure or vacuum change (Δ p, Δ v) in 5 minutes, mm H_2O (in. H_2O)	Allowable pressure change (Δ p) in 5 minutes at any time, mm H_2O (in. H_2O)
9,464 or more (2,500 or more)	25 (1.0)	64 (2.5)
9,463 to 5,678 (2,499 to 1,500)	38 (1.5)	76 (3.0)
5,679 to 3,785 (1,499 to 1,000)	51 (2.0)	89 (3.5)
3,782 or less (999 or less)	64 (2.5)	102 (4.0)

(2) Pressure test of the cargo tank's internal vapor valve as follows:

(i) After completing the tests under paragraph (1) of this section, use the procedures in Method 27 to repressurize the tank to 460 mm H_2O (18 in. H_2O), gauge. Close the tank's internal vapor valve(s), thereby isolating the vapor return line and manifold from the tank.

(ii) Relieve the pressure in the vapor return line to atmospheric pressure, then reseal the line. After 5 minutes, record the gauge pressure in the vapor return line and manifold. The maximum allowable 5-minute pressure increase is 130 mm H2O (5 in. H2O).

[40 CFR 63.425(e)]

A.16. Cargo Tanks Leak Detection Test. The leak detection test shall be performed using Method 21, appendix A, 40 CFR part 60, except omit section 4.3.2 of Method 21. A vapor-tight gasoline cargo tank shall have no leaks at any time when tested according to the procedures in this paragraph.

(1) The leak definition shall be 21,000 ppm as propane. Use propane to calibrate the instrument, setting the span at the leak definition. The response time to 90 percent of the final stable reading shall be less than 8 seconds for the detector with the sampling line and probe attached.

(2) In addition to the procedures in Method 21, include the following procedures:

(i) Perform the test on each compartment during loading of that compartment or while the compartment is still under pressure.

(ii) To eliminate a positive instrument drift, the dwell time for each leak detection shall not exceed two times the instrument response time. Purge the instrument with ambient air between each leak detection. The duration of the purge shall be in excess of two instrument response times.

(iii) Attempt to block the wind from the area being monitored. Record the highest detector reading and location for each leak.

[40 CFR 63.425(f)]

A.17. Cargo Tanks Nitrogen Pressure Decay Field Test. For those cargo tanks with manifolded product lines, this test procedure shall be conducted on each compartment.

(1) *Record the Cargo Tank Capacity.* Upon completion of the loading operation, record the total volume loaded. Seal the cargo tank vapor collection system at the vapor coupler. The sealing apparatus shall have a pressure tap. Open the internal vapor valve(s) of the cargo tank and record the initial headspace pressure. Reduce or increase, as necessary, the initial headspace pressure to 460 mm H2O (18.0 in. H2O), gauge by releasing pressure or by adding commercial grade nitrogen gas from a high-pressure cylinder capable of maintaining a pressure of 2,000 psig.

(i) The cylinder shall be equipped with a compatible two-stage regulator with a relief valve and a flow control-metering valve. The flow rate of the nitrogen shall be no less than 2 cfm. The maximum allowable time to pressurize cargo tanks with headspace volumes of 1,000 gallons or less to the appropriate pressure is 4 minutes. For cargo tanks with a headspace of greater than 1,000 gallons, use as a maximum allowable time to pressurize 4 minutes or the result from the equation below, whichever is greater.

$$T = V_h \times 0.004$$

where:

T = maximum allowable time to pressurize the cargo tank, min;
V_h = cargo tank headspace volume during testing, gal.

(2) *Headspace Pressure Adjustment.* It is recommended that after the cargo tank headspace pressure reaches approximately 460 mm H2O (18 in. H20), gauge, a fine adjust valve be used to adjust the headspace pressure to 460 mm H2O (18.0 in. H2O), gauge for the next 30 ± 5 seconds.

(3) *Headspace Pressure Calculation.* Reseal the cargo tank vapor collection system and record the headspace pressure after 1 minute. The measured headspace pressure after 1 minute shall be greater than the minimum allowable final headspace pressure (Pf) as calculated from the following equation:

$$Pf = 18 \left(\frac{(18 - N)}{18} \right)^{\left(\frac{V_s}{5\,V_h} \right)}$$

where:

Pf = minimum allowable final headspace pressure, in. H2O, gauge;
Vs = total cargo tank shell capacity, gal;
Vh = cargo tank headspace volume after loading, gal;
18.0 = initial pressure at start of test, in. H2O, gauge;
N = 5-minute continuous performance standard at any time from the third column of Table 2 of 40 CFR 63.425(e) (i) (see, Condition A.15.), inches H2O.

(4) *Headspace Final Pressure.* Conduct the internal vapor valve portion of this test by repressurizing the cargo tank headspace with nitrogen to 460 mm H2O (18 in. H2O),gauge. Close the internal vapor valve(s), wait for 30 ± 5 seconds, then relieve the pressure downstream of the vapor valve in the vapor collection system to atmospheric pressure. Wait 15 seconds, then reseal the vapor collection system. Measure and record the pressure every minute for 5 minutes. Within 5 seconds of the pressure measurement at the end of 5 minutes, open the vapor valve and record the headspace pressure as the ``final pressure."

(5) *Vapor-tightness Criteria.* If the decrease in pressure in the vapor collection system is less than at least one of the interval pressure change values in Table 3 of this paragraph, or if the final pressure is equal to or greater than 20 percent of the 1-minute final headspace pressure determined in the test in paragraph (3) of this section, then the cargo tank is considered to be a vapor-tight gasoline cargo tank.

Table 3 of 40 CFR 63.425—Pressure Change for Internal Vapor Valve Test

Time interval	**Interval pressure change, mm H_2O (in. H_2O)**
After 1 minute	28 (1.1)
After 2 minutes	56 (2.2)
After 3 minutes	84 (3.3)
After 4 minutes	112 (4.4)
After 5 minutes	140 (5.5)

[40 CFR 63.425(g)]

A.18. Continuous Performance Pressure Decay Test. The continuous performance pressure decay test shall be performed using Method 27, Appendix A, 40 CFR Part 60. Conduct only the positive pressure test using a time period (t) of 5 minutes. The initial pressure (Pi) shall be 460 mm H2O (18 in. H2O), gauge. The maximum allowable 5-minute pressure change (Δp) which shall be met at any time is shown in the third column of Table 2 of 40 CFR 63.425(e) (1) (see Condition A.15.).
[40 CFR 63.425(h)]

Recordkeeping and Reporting Requirements

A.19. General Provisions – Notification. The owner or operator shall comply with the applicable provisions for notification (see Appendices 4 and 6 of this permit).
[40 CFR 63.420(h)]

A.20. General Provisions – Recordkeeping and Reporting. The owner or operator shall comply with the applicable provisions for recordkeeping and reporting (see Appendices 4 and 6 of this permit).
[40 CFR 63.420(h)]

A.21. Cargo Tank Records. The owner or operator shall keep records of the test results (for at least 5 years) for each gasoline cargo tank loading at the facility as follows:

(1) Annual certification testing performed under 40 CFR 63.425(e) (see Condition A.15.); and

(2) Continuous performance testing performed at any time at that facility under 40 CFR 63.425 (f), (g), and (h) (see Conditions A.16., A.17, and A.18.).

(3) The documentation file shall be kept up-to-date for each gasoline cargo tank loading at the facility. The documentation for each test shall include, as a minimum, the following information:

(i) Name of test: Annual Certification Test—Method 27 (40 CFR 63.425(e) (1)); Annual Certification Test—Internal Vapor Valve (40 CFR 63.425(e) (2)); Leak Detection Test (40 CFR 63.425(f)); Nitrogen Pressure Decay Field Test (40 CFR 63.425(g)); Continuous Performance Pressure Decay Test (40 CFR 63.425(h)); or Railcar Bubble Leak Test Procedure (40 CFR 63.425(i)).

(ii) Cargo tank owner's name and address.

(iii) Cargo tank identification number.

(iv) Test location and date.

(v) Tester name and signature.

(vi) Witnessing inspector, if any: Name, signature, and affiliation.

(vii) Vapor tightness repair: Nature of repair work and when performed in relation to vapor tightness testing.

(viii) Test results: Pressure or vacuum change, mm of water; time period of test; number of leaks found with instrument and leak definition.

[40 CFR 63.428(b)]

A.22. Cargo Tanks - Semi-annual reporting. The owner or operator shall include in a semiannual report to the PPRAQD the following information, as applicable:

(1) Each loading of a gasoline cargo tank for which vapor tightness documentation had not been previously obtained by the facility;

(2) [Reserved.]

(3) The number of equipment leaks not repaired after 5 days of detection.

[40 CFR 63.428(g)]

A.23. CEMS Records. The owner or operator shall keep the following:

(1) An up-to-date, readily accessible record of the CEMS monitoring data. This record shall indicate the time intervals during which loadings of gasoline cargo tanks have occurred or, alternatively, shall record the operating parameter data only during such loadings. The date and time of day shall also be indicated at reasonable intervals on this record.

(2) Record and report simultaneously with the notification of compliance status.

(i) All data and calculations, engineering assessments, and manufacturer's recommendations used in determining the operating parameter value under 40 CFR 63.425(b) (see Condition A.14. (10)); and

(3) If an owner or operator requests approval to use a vapor processing system or monitor an operating parameter other than those specified in 40 CFR 63.427(a) (see Condition A.9.), the owner or operator shall submit a description of planned reporting and recordkeeping procedures. The PPRAQD will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application.

[40 CFR 63.428(c)]

A.24. CEMS - Excess Emissions Report. The owner or operator shall submit a CEMS excess emissions report to the PPRAQD in accordance with 40 CFR 63.10(e) (3) (see Appendix 6 of this permit). The following occurrences are excess emissions events under this subpart, and the following information shall be included in the excess emissions report, as applicable:

(1) Each exceedance or failure to maintain, as appropriate, the monitored operating parameter value determined under 40 CFR 63.425(b) (see Condition A.14.). The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred, and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the CMS.

(2) Each instance of a nonvapor-tight gasoline cargo tank loading at the facility in which the owner or operator failed to take steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained.

(3) Each reloading of a nonvapor-tight gasoline cargo tank at the facility before vapor tightness documentation for that cargo tank is obtained by the facility in accordance with 40 CFR 63.422(c) (2) (see Condition A.5. (e) (5))

[40 CFR 63.428(h)]

A.25. Compliance Test Report Submittal. The compliance test report shall be submitted to the PPRAQD as soon as practicable, but no later than 45 days after the last test is completed.

[Rule 62-4.070(3) and 62-297.310 (8) (b), F.A.C]

A.26. Throughput Records. The owner or operator shall keep monthly records of the total petroleum products and denatured ethanol throughputs for the previous 12 months (i.e. a rolling 12 months basis).

[Rule 62-4.070(3) F.A.C.]

Subsection B. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
-029	Hot Oil Heaters

The oil heaters heat transfer fluids which are circulated in a closed loop to heat the lines and tanks used to store and transport asphalt and #6 oil. This emission unit consists of Heater No.1 (installed on July 1995) and Heater No.5 (installed on September 2010). The heaters primarily combust natural gas, but are designed to combust fuel oil if needed.
{Permitting Note: This emission unit is subject to Rule 62-204.800(7) (b) 4 which adopts by reference NSPS Subpart Dc-Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, applies to heaters with a maximum design heat input capacity greater than or equal to 10 MMBtu/hr that were constructed after June 9, 1989. Subpart Dc includes hot oil heaters in the definition of steam generating unit.}

Essential Potential to Emit (PTE) Parameters

B.1. Hours of Operation. Each heater is permitted to operate 5,500 hours per year while combusting standard No. 2 distillate (0.5% sulfur); or unrestricted (i.e. 8,760 hours/yr) while combusting natural gas, or distillate oil with sulfur content less than 0.5 % (e.g. low sulfur distillate oil (0.05 % sulfur), or ultra low sulfur distillate oil (0.0015 % sulfur)).
[Rule 62-210.200 (239), F.A.C. (PTE), Permit 0110069-021-AC]

Emission Limitations and Standards

B.2. Sulfur Dioxide (SO2) Emissions. To limit the discharge of SO2 into the atmosphere, the owner or operator shall not combust oil that contains greater than 0.5 weight percent sulfur.
[40 CFR 60.42c (d)]

Test Methods and Procedures

B.3. Fuel Oil Sulfur Content. Compliance with the fuel oil sulfur limit (see Condition B.2) shall be determined based on a certification from the fuel supplier, as described under 40 CFR 60.48c (f) (see Condition No. B.6).
[40 CFR 60.42c (h)]

Notification, Recordkeeping and Reporting Requirements

B.4. General Notification, Recordkeeping and Reporting Requirements. Emission unit 029 is subject to the requirements of 40 CFR 60.19 and 60.7 attached in the Appendices 1 and 2, respectively, and listed below
[40 CFR 60.7 & 60.19]

B.5. Reporting Period. The owner or operator subject to the fuel oil sulfur limit shall submit reports to the PPRAQD each six-month period. All reports shall be submitted to the PPRAQD and shall be postmarked by the 30th day following the end of the reporting period. In instances, where a unit combusts only natural gas, the affected unit may report excess emissions, or lack thereof, on an annual basis.
[40 CFR 60.48c (d), (j), EPA Determination on Reduced Reporting Requirements for Small Clean Units Subject to Subpart Dc (September 9, 1996)]

B.6. Fuel Records.

(a) The owner or operator shall keep records of fuel supplier certification to demonstrate compliance for fuel oil sulfur content. Fuel supplier certification shall include the following information: (i) The name of the oil supplier; and (ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in 40 CFR 60.41c which states that distillate oil means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for

Testing and Materials in ASTM D396 or diesel fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D975.

In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

(b) The owner or operator shall maintain monthly records of : (1) The type of fuel used for the heaters, and (2) The hours that heaters were operated for the previous twelve month period while using fuel oil with sulfur content of 0.5 percent by weight

[40 CFR 60.48c (e) (11), (f), Rule 62-4.070(3), F.A.C.]

B.7. Fuel Records Retention Period. The owner or operator shall record and maintain records of the amounts of each fuel combusted during each day for a period of two years following the date of such record.

Alternatively (Approved by EPA). The requirement for maintaining daily records may be reduced to monthly providing:

1. The only fuel used is natural gas, or fuel oil with sulfur content less than 0.5 % and compliance is demonstrated using supplier's certifications. Documents may be in the form of fuel bills, meter readings, or other records that adequately document fuel usage.
2. The owner or operator shall promptly notify PPRAQD of any anticipated and actual switches in fuel use.
3. If the fuel oil sulfur content ever exceeds 0.5 %, the recordkeeping frequency will immediately revert to daily, in order to determine whether the 30-day rolling average sulfur content of the fuel exceed 0.5 %.

[40 CFR 60.48c (g), and (i), EPA Determination on Reduced Record-keeping Requirements for Small Clean Units Subject to Subpart Dc (June 13, 1997)]

Subsection C This section addresses the following emissions unit.

E.U. ID No.	Brief Description
-045	Marine Loading/Unloading and Vessel Bunkering

Marine tank vessel loading operations (MLO) involve controlled gasoline loading using a VRU only at Berth 6, and uncontrolled distillates and crude oil loading at any berths. Berth means the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill marine tank vessels.

{Permitting Note: This emission unit is an existing MLO source subject to record keeping requirement of NESHAP 40 CFR 63 Subpart Y. Compliance Assurance Monitoring (CAM) is required in accordance with 40 CFR 64.)}

C.1. Subpart Y MACT Requirements. In the event that EPA determines that EU-045 is subject to the MACT requirements of subpart Y, the owner or operator shall immediately apply for a revised operating permit with a compliance plan to implement the applicable MACT requirements of subpart Y.

[Rule 62-4.070(3), F.A.C. Request from EPA for additional information for the MACT applicability determination received by electronic mail on September 02, 2010]

{Permitting Note. PPRAQD submitted a request to EPA on June 28, 2010 for a subpart Y MACT applicability determination for EU-045 by reconstruction after subpart Y compliance date (September 20, 1999). TransMontaigne constructed a new MLO at Berth 6 in accordance with 0110069-016-AC issued on 12/17/2007 and decommissioned the MLO at Berth 7.}

Essential Potential to Emit (PTE) Parameters

C.2. Throughput. The products throughputs shall be less than 420 million gallons (10 million barrels) per year of gasoline, 500 million gallons of distillate, and 100 million gallons crude oil per year, calculated on a rolling 12 months period.

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE)]
{Permitting Note: The self-imposed limits serve to exempt the source from the Reasonably Available Control Technology (RACT) standards requirements of NESHAP 40 CFR 63 Subpart Y. The RACT threshold is 420 million gallons of gasoline and 100 million gallons of crude oil.}
{Permitting Note: The self-imposed throughput and emission (see Condition C.3) limits contribute to maintaining the facility classification as a synthetic minor source of VOC and HAPs under the PSD and Title III programs, respectively.}

Emission Limitations and Standards

C.3. Loading Rack Emissions. Emissions to the atmosphere from the vapor collection and processing systems due to loading of gasoline into marine vessels shall not exceed 35 milligrams of total organic compounds per liter of gasoline loaded.
[Rule 62-4.070(3), F.A.C., Construction Permit No. 0110069-022-AC]
{Permitting Note: The self imposed emission and throughput (see Condition C.2) limits serve to ensure that the aggregate actual HAP emissions from MLO less than 10 tons of each individual HAP calculated on a 12-month annual average basis and less than 25 tons of all HAP combined calculated on a 12-month annual average basis, as determined by emission estimation in 40 CFR 63.565(l) of Subpart Y.}

Compliance Assurance Monitoring (CAM)

C.4. Compliance Assurance Monitoring (CAM) Requirements. This emissions unit is subject to the CAM requirements contained in Appendix 7 of this permit. Failure to adhere to the monitoring requirements specified does not necessarily indicate an exceedance of a specific emissions limitation; however, it may constitute good reason to require compliance testing pursuant to Rule 62-297.310(7) (b), F.A.C.
[40 CFR 64; Rules 62-204.800 (12) & 62-213.440(1) (b) 1.a., F.A.C.]

Test Methods and Procedures

C.5. General Performance Testing Requirements. Unless otherwise specified in the permit, the owner or operator shall comply with the general compliance test requirements of Rule 62-297.310, F.A.C. (see Appendix 3).

C.6. Compliance Testing Frequency. During the 12-month period prior to renewal of the operation permit, the owner or operator shall conduct formal compliance testing on the loading rack. The owner or operator shall also conduct compliance testing at such times when the PPRAQD, after investigation, has good reason to believe that any applicable emission standard of the loading rack is being violated
[Rules 62-297.310 (7) (a) 3, 62-297.310(7) (b), & 62-4.070(3) F.A.C]

C.7. Performance Test Requirements. The owner or operator shall meet the following requirements during the formal compliance testing of its VRU:

(a) Monitor for Leakage of Vapor. Immediately before the performance test, the owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while loading gasoline. The owner or operator shall repair all leaks with readings greater than or equal to 100 percent of the LEL before conducting the performance test.

(b) The owner or operator shall determine compliance with the emission standard (see Condition C.2) as follows:

(1) Test duration and gasoline loaded. The performance test shall be 6 hours long during which at least 80,000 gallons (302,800 liters) of gasoline is loaded. If this is not possible, the test may be continued the same day until 80,000 gallons of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. For intermittent vapor processing systems, at least 80,000 gallons of gasoline shall be loaded during the test and at least two full cycles of operation of the vapor processing system shall occur.

(2) Emission rate computation. The emission rate (E) of VOC shall be computed using the following equation:

$$E = K\sum_{i=1}^{n}\left(V_{esi}C_{ei}\right)/L10^{6}$$

where:

E = emission rate of VOC, mg/liter of gasoline loaded.
Vesi = volume of air-vapor mixture exhausted at each interval "i", scm.
Cei = concentration of VOC at each interval "i", ppm.
L = total volume of gasoline loaded, liters.
n = number of testing intervals.
i = emission testing interval of 5 minutes.
K = density of calibration gas, 1.83 x 10^6 for propane and 2.41 x 10^6 for butane, mg/scm.

(3) Test interval. The performance test shall be conducted in intervals of 5 minutes. For each interval ``i", readings from each measurement shall be recorded, and the volume exhausted (Vesi) and the corresponding average VOC concentration (Cei) shall be determined. The sampling system response time shall be considered in determining the average VOC concentration corresponding to the volume exhausted.

(4) Volume (Vesi) air-vapor mixture exhausted at each interval. Method 2A shall be used to determine Vesi:

(5) VOC concentration (Cei) at each interval. Method 25A or 25B shall be used for determining Cei. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane and ethane content in the exhaust vent by any method (e.g., Method 18) approved by the Administrator.

(6) Volume (L) of gasoline dispensed during the performance test period. To determine L at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.

[Rules 62-296.510(4) (a), 62-296.510(4) (b), & 62-4.070(3) F.A.C.]

Notification, Reporting and Recordkeeping Requirements

C.8. Compliance Test Notification. The owner or operator shall notify PPRAQD at least fifteen (15) days prior to the date on which the formal compliance test is to begin, of the date, time and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owners.
[Rule 62-297.310 (1), F.A.C.]

C.9. Compliance Test Report Submittal. The compliance test report shall be submitted to the PPRAQD as soon as practicable, but no later than 45 days after the last test is completed.
[Rule 62-297.310 (2), F.A.C.]

C.10. Throughput Records. The owner or operator shall maintain monthly records of the throughput of products for the previous twelve-month period.
[Rule 62-4.070(3), F.A.C.]

C.11. HAP Recordkeeping. The owner or operator shall retain records of annual estimates of HAP emissions of commodities with vapor pressures greater or equal to 1.5 psia for 5 years. Emission estimates and emission factors shall be based on test data, or if test data is not available, shall be based on measurement or estimating techniques generally accepted in industry practice for operating conditions at the source.
[40 CFR 63.560(a) (3), 40 CFR 63.567(j) (4), and 40 CFR 63.565(l)]

Subsection D. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
-038	Boiler No.1

The boiler is rated at 8.4 MMBTU/hr, and uses natural gas or No. 2 fuel oil.
{Permitting Note: (IMPORTANT REGULATORY CLASSIFICATIONS – This emission unit is subject to Rule 62-296.406, F.A.C. Fossil Fuel Steam Generators with Less Than 250 Million Btu per Hour Heat Input, New and Existing Emissions Units. This emission unit is also subject to the FDEP's BACT requirements.}

Essential Potential to Emit (PTE) Parameters

D.1. Capacity. The rated capacity of the boiler is 8.375 MMBTU/hr.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200 (239), F.A.C., Definitions - (PTE)]

D.2. Hours of Operation. This emissions unit is allowed to operate 8,760 hours/year while using natural gas or fuel oil with sulfur content less than or equal to 0.05 percent by weight. The hours of operation is limited to 400 hours /year while using fuel with sulfur content greater than 0.05 % and less than or equal to 0.5 % by weight .
[Rule 62-210.200 (239) F.A.C (PTE), BACT Determination for Small Boiler by FDEP, dated September 28, 1998]

Emission Limitations and Standards

D.3. Visible Emissions (VE). VE emissions shall not exceed 20 percent opacity except for one six-minute period per hour during which opacity shall not exceed 27 percent.
[Rule 62-296.406(1), F.A.C]

D.4. Particulate Matter (PM) and Sulfur Dioxide (SO2) Emissions. To minimize PM and SO2 emissions, the boiler is permitted to fire fuel oil with sulfur content greater than 0.05% and less than or equal to 0.5% sulfur (wt.) for up to 400 hours per year when natural gas is unavailable.
[Rule 62-296.406(2), (3), F.A.C, BACT Determination for Small Boiler by FDEP, dated September 28, 1998]

Test Methods and Procedures

D.5. V.E. Testing. During each federal fiscal year (October 1 – September 30), the owner or operator shall conduct formal compliance tests for VE using DEP Method 9. Opacity observations shall be made and recorded by a certified observer at sequential fifteen second intervals for at least 60 minutes. Separate tests shall be conducted using fuel oil and natural gas.
[Rule 62-297.310(7) (a) 4 a, 62-297.401(9) (c) 1, 62-4.070 (3) and 62-297.310(4) (a) 2, F.A.C.]

D.6. Operating Rate during Testing. Testing of emissions should be conducted using the fuel inputs which are expected to result in the highest emissions and at 90-100% of the maximum operating rate. If a source is not tested at 90-100% of this capacity, the source may not be operated above 110% of the test load until a new test showing compliance is conducted. Once the unit is so limited, then operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit.
[Rule 62-297.310(2), F.A.C.]

D.7. Fuel Oil Sulfur Content. The owner or operator shall determine the sulfur content of the fuel oil using certification from the fuel supplier that include: (i) The name of the oil supplier; and (ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil by the American Society for Testing and Materials in ASTM D396–78, 89, 90, 92, 96, or 98, ''Standard Specification for Fuel Oils''

[Rule 62-4.070 (3)]

Recordkeeping and Reporting Requirements.

D.8. Fuel Usage Records. The owner or operator shall keep records of the amount and type of fuel use for firing the boiler each month. The owner or operator shall also record the total hours of operating the boiler on fuel oil with sulfur content greater than 0.05 % and less than or equal to 0.5 % for the previous 12 months. Records of the sulfur content of fuel oil shall be kept and maintained on site for a period of no less than five years.
[Rule 62-4.070 (3)]

D.9. Notification of Test Date. The owner or operator shall notify PPRAQD at least fifteen (15) days before the date of the VE testing of the boiler of the date, time and place of the testing , and the test contact person who will be responsible for coordinating the testing.
[Rule 62-297.310(7) (a) 9, F.A.C.]

D.10. Submittal of Test Results. The owner or operator shall submit the VE test results to PPRAQD as soon as practical, but no later than 45 days after the test is completed.
[Rule 62-297.310(8) (b), F.A.C.]

Subsection E. This section addresses the following emissions unit.

E.U. ID	Brief Description
-033	Petroleum Products (excluding Gasoline) Storage Tanks

This emission unit consists of tanks that are required to store non-gasoline products with relatively low maximum true vapor pressure (TVP) to be exempted from the applicable requirements of Subpart R – National Emissions Standards for Gasoline Distribution Terminals, and RACT 62-296.508 F.A.C. Products include distillate, biodiesel, No.6 oil, and crude oil.
{Definition: *Maximum true vapor pressure (TVP)* means the equilibrium partial pressure exerted by the volatile organic compounds (VOC) in the stored volatile organic liquid (VOL) at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOL's stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOL's stored at the ambient temperature, as determined:}
.

Essential Potential to Emit (PTE) Parameters

E.1. (a) Capacity and Content

Fixed Roof Tanks

Tank No.	Capacity (gallons)
201	3,351,306
202	3,326,991
204	629,960
205	3,845,004
208	3,380,935
209	2,347,170
210	837,534
211	2,247,861
225	214,688
226	775,094
227	17,200
229	310,021

Tank No.	Capacity (gallons)
206	5,944,680
228	29,504
230	286,334
241	2,134,323
242	4,728,991
243	4,728,991
244	4,728,991
245	3,306,109
246	4,728,991

231	18,564

Tanks with Internal Floating Roofs

Tank No.	Volume (gallons)	Primary Seal	Secondary Seal
203	1,218,238	Mechanical Shoe	Rim-mounted
207	2,712,306	Mechanical Shoe	Rim-mounted
214	2,233,297	Mechanical Shoe	Rim-mounted
215	3,313,934	Mechanical Shoe	Rim-mounted
218	3,302,844	Mechanical Shoe	Rim-mounted

Tanks with External Floating Roofs

Tank No.	Volume (gallons)	Primary Seal	Secondary Seal
219	3,363,400	Mechanical Shoe	Rim-mounted
224	4,961,213	Mechanical Shoe	Rim-mounted

The owner or operator may store crude oil or refined petroleum products with TVP not greater than 1.5 Psia in the tanks listed above.

(b) Throughputs. The throughputs shall not exceed 500,000,000 gallons per year of refined petroleum products with TVP not greater than that 1.5 Psia and 100,000,000 gallons of crude oil per year, calculated on a twelve-month rolling average basis.

[Rules 62-4.160(2), and 62-210.200(PTE), F.A.C]

{Permitting Note: TVP restrictions allow exemption from the applicable requirement of Subpart R, and the Florida RACT regulations}

E.2. Maintenance (Not federally Enforceable). The owner or operator shall not operate any tank equipped with floating roof emissions control without proper and sufficient maintenance. Sufficient maintenance includes, but not limited to, scheduled inspection and repair of closure seals used for closing the space between the roof edge and tank wall.

[Broward County Code, Sec. 27-175(d)]

Recordkeeping and Reporting Requirements

E3. Tank Records.

(a) *Throughput.* The owner or operator shall keep monthly records of the total throughputs of products for the previous 12 months (i.e. a rolling 12 month basis).

(b) *Tank Contents*. For at least 5 years, the owner or operator shall maintain records of the TVP and the period of storage of each product stored in the tanks.

[Rule 62-4.070(3) F.A.C.]

Subsection F. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
-040	Gasoline Storage Tanks with Internal Floating Roof (IFR) and Domed External Floating Roof (DEFR)

This emission unit consists of IFR and DEFR storage tanks that stores gasoline or products with maximum true vapor pressure (TVP) less than the TVP of gasoline.

{Permitting Note: (***IMPORTANT REGULATORY CLASSIFICATION*** **-** This emission unit is regulated under Subpart R – National Emissions Standards for Gasoline Distribution Terminals, and RACT 62-296.508 F.A.C.}

Essential Potential to Emit (PTE) Parameters

F.1. (a) Capacity. The owner or operator may store gasoline or other products with TVP equal or less than the TVP of gasoline, in each tank listed in the following table:

Tank No.	Volume (gallons)	Primary Seal	Secondary Seal
212	2,147,004	Mechanical Shoe	Rim-mounted
213	2,232,628	Mechanical Shoe	Rim-mounted
216	3,327,159	Mechanical Shoe	Rim-mounted
217	3,371,603	Mechanical Shoe	Rim-mounted
220	1,651,171	Vapor-mounted	Rim-mounted
223	4,933,049	Mechanical Shoe	Rim-mounted
247	4,728,991	Mechanical Shoe	Rim-mounted
248	7,407,357	Mechanical Shoe	Rim-mounted

(b) Throughput. The throughput of gasoline and ethanol for EU-040 shall not exceed 500,000,000 gallons per year calculated on a twelve-month rolling average basis.

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE)]

{Permitting Note: The self-imposed throughput limit contributes to maintaining the facility classification as a synthetic minor source of VOC and HAPs under the PSD and Title III programs, respectively.}

Emission Limitations and Standards

F.2. Tanks Design – Subpart R Requirements

The tanks shall comply with the following:

(i) The floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(ii) Each floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

(A) *A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal).* A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

(B) *Two seals*. Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) *A mechanical shoe seal*. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(iii) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface

[40 CFR 63.423(a)]

F.3. Gasoline Storage Tanks – RACT.

(1) *Applicability*. The true vapor pressure of products stored in the floating roof storage tanks shall not exceed 11.0 psia (76 kilopascals) under actual storage conditions.

(2) *Control Technology*. The IFR Tanks shall comply with the following:

(a) The tanks have been retrofitted with an internal floating roof equipped with a closure seal, or seals, to close the space between the roof edge and tank wall, or have been retrofitted with an equally effective alternative control; and,

(b) The tanks are maintained such that there are no visible holes, tears, or other openings in the seal or any seal fabric or materials; and,

(c) All openings, except stub drains are equipped with covers, lids, or seals such that:

(i) The cover, lid, or seal is in the closed position at all times except on demand for sampling, maintenance, repair, or necessary operational practices; and,

(ii) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and,

(iii) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

[Rule 62-296.508, F.A.C.]

Test Methods and Procedures

F.4. Formal Tank Leak Testing. During the 12-month period prior to renewal of the operation permit, the owner or operator shall check for VOC leaks in the IFR and roof seals using EPA 450/2-77-036 p. 6-2.
[Rules 62-296.508(3) (a) and 62-4.070(3) F.A.C.]
[Permitting note. EPA 450/2-77-036 p. 6-2 recommends routine inspections through the roof hatches be conducted at six months or shorter intervals, and a complete inspection of the seals and covers whenever the tanks are emptied for non-operational reasons (e.g. maintenance).]

F.5. Inspection and Notification Procedures. The owner or operator shall conduct the following inspection and notification procedures:

(1) *Prior to initial fill.* Visually inspect the floating roof, the primary seal, and the secondary seal, prior to filling the storage vessel with Volatile Organic Liquid (VOL). If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

(2) (i) *Inspection at least once every 12 months after initial fill.* Visually inspect the floating roof and the primary seal or the secondary seal through manholes and roof hatches on the fixed roof. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the administrator in the inspection report required in 40 CFR 60.115b(a) (3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) *For vessels equipped with a double-seal system (i.e. two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the floating roof. The lower seal may be vapor-mounted, but both must be continuous)*

(i) Visually inspect the vessel as specified in paragraph (4) of this section at least every 5 years; or

(ii) Visually inspect the vessel as specified in paragraph (2) of this section.

(4) *Inspection at least every 10 years.* After the tank is emptied and degassed, visually inspect the floating roof, the primary seal, the secondary seal, gaskets, slotted membranes and sleeves. If the floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer

close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL.

(5) *Notification prior to the initial filling tanks after installing floating roofs or refilling tanks after emptied and degassed*. Notify the PPRAQD in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (1) and (4) of this section to afford the PPRAQD the opportunity to have an observer present. If the inspection required by paragraph (4) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the PPRAQD at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the PPRAQD at least 7 days prior to the refilling.

[40 CFR 63.425(d), 40 CFR 60.113b (a)]

[Permitting note. Condition F.5 only applies to EU -040 tanks servicing products with a true vapor pressure of 3.5 kPa or greater.]

Notification Requirements

F.6. Tank Testing Notification. The owner or operator shall notify PPRAQD, at least 15 days prior to the date on which each formal compliance test (see Condition F.4) is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

The owner or operator shall also comply with the applicable general notifications provisions outlined in Appendices 4 and 6 of this permit.

[Rules 62-62-297.310 (7) (a) (9), F.A.C., 40 CFR 63.420(h)]

Recordkeeping and Reporting Requirements

F.7. Compliance Test Report Submittal. The compliance test (see Condition F.4) report shall be submitted to the PPRAQD as soon as practicable, but no later than 45 days after the last test is completed.

The owner or operator shall also comply with the applicable general recording and reporting provisions outlined in Appendices 4 and 6 of this permit.

[Rule 62-297.310(8) (a) & (b), F.A.C., 40 CFR 63.420(h)]

F.8. Throughput. The owner or operator shall keep monthly records of the total throughput of products for the previous twelve (12) months (i.e. a rolling 12 month basis).

F.9. Tanks Records. The owner or operator shall maintain the following records:

(a) *Tank Construction Details*. For the life of the source, the owner or operator shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel.

(b) *Tank Contents*. For at least 5 years, the owner or operator shall maintain a record of the volatile organic liquid (VOL) stored, the period of storage, and the maximum true vapor pressure of that VOL.

(c) *Vapor Pressure Estimation*. Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below:

(1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

(2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:

(i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may

be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference - see 40 CFR 60.17), unless the PPRAQD specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.00 psi)or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa (1.0160 psi).

(3) For other liquids, the vapor pressure:

(i) May be obtained from standard reference texts, or

(ii) Determined by ASTM Method D2879-83 (incorporated by reference - see 40 CFR 60.17); or

(iii) Measured by an appropriate method approved by the Administrator; or

(iv) Calculated by an appropriate method approved by the Administrator.

[40 CFR 63.427 (c), 40 CFR 60.116b]

F.10. Seal Gap Records and Reports. For at least 5 years, the owner or operator shall keep records and furnish the following reports:

(a) *Records of each Seal Gap Measurement*. Each record shall identify the storage vessel in which the measurement was performed and shall contain: (i) The date of measurement, (ii) The raw data obtained in the measurement, and (iii) Required calculations.

(b) *Non-compliance Report*. After each seal gap measurement that detects gaps exceeding the limitations, submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information on (i) The date of measurement, (ii) The raw data obtained in the measurement, (iii) Required calculations, (iv) The date the vessel was emptied or the repairs made, and (v) The date of repair.

[40 CFR 63.428 (d), 40 CFR 60.115b]

Subsection G. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
-037	Fugitive VOC Sources

This emission unit includes fugitive VOC emissions from equipment leaks, asphalt loading rack, and top loading rack for No 2 and No 6 fuel oil. Equipment means each valve, pump, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in the gasoline liquid transfer and vapor collection systems. This definition also includes the entire vapor processing system except the exhaust port(s) or stack(s).

{Permitting Note: (***IMPORTANT REGULATORY CLASSIFICATION*** **-** The equipment leaks are regulated under Rule 62-204.800(11) (b) 11 F.A.C. which adopts by reference 40 CFR 63, Subpart R, Gasoline Distribution Facilities. Asphalt, No 2 and No 6 fuel oil loading operations are addressed by Broward County Ordinance.)}

The following specific conditions apply to the emissions unit listed above:

Emission Limitations and Standards

G.1. [Not federally enforceable] Uncontrolled Loading**.** Total organic compounds vapors displaced from tank trucks during loading of Asphalt, No 2 and No 6 fuel oil shall be directed to a vapor processing system, unless the owners or operator can demonstrate as a practical matter that the tank trucks being loaded do not contain gasoline vapors**.**

[Broward County Code, Sec. 27-177(f)]

G.2. Leak Standard. During loading or unloading operations, there shall be no reading greater than or equal to 100 percent of the lower explosive level (LEL), measured as propane at 1 inch around the perimeter of a potential leak source as detected by a combustible gas detector using the procedure described in "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA 450/2-78-051, Appendix B.
[Rule 62-297.440(2) (b) 2.a., F.A.C.]
{Permitting Note. This leak standard is used whenever the operator is inspecting for leaks (see Condition G.4. (a)) using a combustible gas detector. Fittings meeting the leak standard are considered to be vapor tight.}

G.3. Equipment in Gasoline Service – General Handling. The owners or operators shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:
(1) Minimize gasoline spills;
(2) Clean up spills as expeditiously as practicable;
(3) Cover all open gasoline containers with a gasketed seal when not in use;
(4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
[40 CFR 63.424(g)]

G.4. Equipment in Gasoline Service - Leaks.
(a) *Frequency of Leak Inspection*. The owner or operator shall perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline cargo tank.
(b) *Leak Records*. A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.
(c) *Leak Repair*. Each detection of a liquid or vapor leak shall be recorded in the logbook. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph (d) of this section.
(d) *Delays*. Delay of repair of leaking equipment will be allowed upon a demonstration to the PPRAQD that repair within 15 days is not feasible. The owner or operator shall provide the reason(s) a delay is needed and the date by which each repair is expected to be completed.
(e) [Reserved.]
(f) *Alternative Compliance Option*. As an alternative to compliance with the provisions in paragraphs (a) through (d) of this section, the owner or operator may implement an instrument leak monitoring program that has been demonstrated to the PPRAQD as at least equivalent.
[40 CFR 63.424(a), (b), (c), (d), and (f)]
{Permitting Note. See Conditions G.2. and A.10. (1) for other leak detection methods}

Monitoring

G.5. Uncontrolled Loading Rack Monitoring. A permanent vapor monitoring system installed on the uncontrolled loading rack shall automatically terminate the loading of Asphalt, No 2 or No 6 fuel oil if gasoline vapors are detected in the gasoline cargo tank being loaded. Maintenance records on the vapor monitoring system shall be kept on site for at least five years.
[Rule 62-4.070(3), F.A.C., Letter from Applicant on "Fuel Oil/ High Sulfur Diesel Uncontrolled Loading Racks, dated April 6, 1999.]

Notification, Recordkeeping and Reporting Requirements

G.6. General Notification Requirements. Emission unit 037 is subject to the applicable general notification requirements of 40 CFR Part 63, subpart A (see Appendices 4 and 6 of this permit).
[40 CFR 63.420(h)]

G.7. General Recordkeeping and Reporting Requirements. Emission unit 037 is subject to the applicable recordkeeping and reporting requirements of 40 of 40 CFR Part 63, subpart A (see Appendices 4 and 6 of this permit).
[40 CFR 63.420(h)]

G.8. Leak Inspection and Repair Log. The owner or operator shall maintain records the following information in the log book for each leak that is detected:
(1) The equipment type and identification number;
(2) The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell);
(3) The date the leak was detected and the date of each attempt to repair the leak;
(4) Repair methods applied in each attempt to repair the leak;
(5) "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak;
(6) The expected date of successful repair of the leak if the leak is not repaired within 15 days; and
(7) The date of successful repair of the leak.
[40 CFR 63.428(e)]

G.9. Equipment in Gasoline Service. The owner or operator shall report to the PPRAQD a description of the types, identification numbers, and locations of all equipment in gasoline service. For facilities electing to implement an instrument program under 40 CFR 63.424(f) (see, Condition G.4. (f)), the report shall contain a full description of the program.
[40 CFR 63.428(f)]

G.10. Excess Emissions Report. The owner or operator shall include the following information in the excess emissions report:
(1) – (4) [Reserved]
(4) For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection:
(i) The date on which the leak was detected;
(ii) The date of each attempt to repair the leak;
(iii) The reasons for the delay of repair; and
(iv) The date of successful repair.
[40 CFR 63.428(h)]

Subsection H. This section addresses the following emission unit:

E.U. ID No.	Brief Description
-039	Diesel Fired Engines - Yard Usage

The engines primarily operate product pumps and do not qualify as emergency engines. This emission unit consists of the following stationary compression ignition internal combustion engines (CI ICE):

QTY	Description of Engine	Construction Date	Cylinder Displacement (Liters)	Rated Horsepower (hp)
4	Cummins Diesel	1989	14.0	270
2	Detroit Diesel	1980	6.1	110
1	Detroit Diesel	1980	14.3	300

{Permitting Note. This emission unit is regulated under Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The existing engines are required to be in compliance with subpart ZZZZ no later than May 3, 2013.}

Emission and Operating Limitations

H.1. Emissions Requirements. The owner or operator shall comply with the applicable requirements in Table 2d no later than May 3, 2013.

Table 2d to Subpart ZZZZ of Part 63

For each . . .	Requirements (except during periods of startup)	During periods of startup
1. Non-Emergency, non-black start CI stationary RICE ≤300 HP	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first.	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
	b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	

*Black start engine means an engine whose only purpose is to start up a combustion turbine.
[40 CFR 63.6595 (a) (1) & 63.6603]

H.2. General Compliance Requirements.

(a) The owner or operator shall be in compliance with the applicable operating limitations (see Condition H.1) at all times.

(b) At all times the owner or operator shall operate and maintain the engines, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require further efforts to reduce emissions if levels required by subpart ZZZZ 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, review of operation and maintenance records, and inspection of the source.

Other Requirements. The owner shall also comply with the applicable parts of the General Provisions in 40 CFR 40 CFR 63.1 through 63.15 listed on Table 8 of subpart ZZZZ (see Appendices 5 and 6 of this permit).
[40 CFR 63.6605, 40 CFR 63.6665]

Continuous Compliance Requirements

H.3. Operating Limitations

(a) The owner or operator shall demonstrate continuous compliance with each operating limitation in Table 2d (see Condition H.1) according to methods specified in Table 6 to subpart ZZZZ.

Table 6 to Subpart ZZZZ of Part 63

For each . . .	Complying with the requirement to . . .	Demonstrate continuous compliance by . . .
9. existing non-emergency stationary CI RICE ≤300 HP located at an area source of HAP	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

(b) The owner or operator shall report each instance of failure to meet each operating limitation in Table 2d (see Condition H.1). These instances are deviations from the operating limitations in this subpart..

(c) [Reserved]

(d) [Blank].

(e) The owner or operator shall also report each instance of failure to meet the applicable requirements in Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ.

[40 CFR 63.6640]

Recordkeeping Requirements

H.4. Records

(a) The owner or operator shall keep the following records:

(1) [Blank].

(2) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.

(3) [Bank].

(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.6605(b) (see Condition I2), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

The records must be in a form suitable and readily available for expeditious review according to 40 CFR 63.10(b)(1). Records shall be kept for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The records shall be readily accessible in hard copy or electronic form.

[40 CFR 63.6655, 40 CFR 63.6660]

Appendix 1

NSPS - General Notification and Reporting Requirements.

(40 CFR 60.19)

[Administrator means the administrator of USEPA or the authorized representative – PPRAQD]

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

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

(c) *Changing deadlines.* Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(d) *Periodic reports submittals.* If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(e) *Common submittal schedule*. If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(f) *Changes request.*

(1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.

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

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before

the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

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

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

Appendix 2

NSPS - Notification and Recordkeeping.

(40 CFR 60.7)

[Administrator means the administrator of USEPA or the authorized representative – PPRAQD]

(a) *Notification format*. Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

(1) to (3) NA (new sources)

(4) Physical or operational changes. A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(5) to (7) NA (CMS, opacity).

(b) to (e) NA (CMS)

(f) *File maintenance*. Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including performance testing measurements; all monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:

(1) to (2) *NA (CEMS).*

(3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(g) *Similar notification*. If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.

Appendix 3
General Compliance Test Requirements
(Rule 62-297.310, F.A.C.)

Unless otherwise specified in the permit, the following testing requirements apply to each emissions unit for which testing is required. The terms "stack" and "duct" are used interchangeably in this appendix.
("Department" refers to Florida Department of Environmental Protection.)
("PPRAQD" refers to Broward County Pollution Prevention, Remediation and Air Quality Division.)

TR1. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]

TR2. Operating Rate During Testing. Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]

TR3. Calculation of Emission Rate. For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]

TR4. Applicable Test Procedures.

a. *Required Sampling Time*.
   (1) Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
   (2) N/A (Opacity Compliance Tests).

b. *Minimum Sample Volume*. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.

c. *Required Flow Rate Range.* For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.

d. *Calibration of Sampling Equipment*. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

TABLE 297.310-1 CALIBRATION SCHEDULE			
ITEM	**MINIMUM CALIBRATION FREQUENCY**	**REFERENCE INSTRUMENT**	**TOLERANCE**
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass	5° F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5° F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/- 0.001" mean of at least three readings; Max. deviation between readings, 0.004"
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, when 5% change observed, annually	Spirometer or calibrated wet test or dry gas test meter	2%
	2. One Point: Semiannually		
	3. Check after each test series	Comparison check	5%

e. *Allowed Modification to EPA Method 5*. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

[Rule 62-297.310(4), F.A.C.]

TR5. Determination of Process Variables.

a. *Required Equipment*. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

b. *Accuracy of Equipment*. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

TR6. Sampling Facilities. The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must also comply with all applicable Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

a. *Permanent Test Facilities*. The owner or operator of an emissions unit for which a compliance test, other than a visible emissions test, is required on at least an annual basis, shall install and maintain permanent stack sampling facilities.

b. *Temporary Test Facilities*. The owner or operator of an emissions unit that is not required to conduct a compliance test on at least an annual basis may use permanent or temporary stack sampling facilities. If the owner chooses to use temporary sampling facilities on an emissions unit, and the PPRAQD elects to test the unit, such temporary facilities shall be installed on the emissions unit within 5 days of a request by the PPRAQD and remain on the emissions unit until the test is completed.

c. *Sampling Ports*.
   (1) All sampling ports shall have a minimum inside diameter of 3 inches.
   (2) The ports shall be capable of being sealed when not in use.
   (3) The sampling ports shall be located in the stack at least 2 stack diameters or equivalent diameters downstream and at least 0.5 stack diameter or equivalent diameter upstream from any fan, bend, constriction or other flow disturbance.
   (4) For emissions units for which a complete application to construct has been filed prior to December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 15 feet or less. For stacks with a larger diameter, four sampling ports, each 90 degrees apart, shall be installed. For emissions units for which a complete application to construct is filed on or after December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 10 feet or less. For stacks with larger diameters, four sampling ports, each 90 degrees apart, shall be installed. On horizontal circular ducts, the ports shall be located so that the probe can enter the stack vertically, horizontally or at a 45 degree angle.
   (5) On rectangular ducts, the cross sectional area shall be divided into the number of equal areas in accordance with EPA Method 1. Sampling ports shall be provided which allow access to each sampling point. The ports shall be located so that the probe can be inserted perpendicular to the gas flow.

d. *Work Platforms*.
   (1) Minimum size of the working platform shall be 24 square feet in area. Platforms shall be at least 3 feet wide.
   (2) On circular stacks with 2 sampling ports, the platform shall extend at least 110 degrees around the stack.
   (3) On circular stacks with more than two sampling ports, the work platform shall extend 360 degrees around the stack.
   (4) All platforms shall be equipped with an adequate safety rail (ropes are not acceptable), toe board, and hinged floor-opening cover if ladder access is used to reach the platform. The safety rail directly in line with the sampling ports shall be removable so that no obstruction exists in an area 14 inches below each sample port and 6 inches on either side of the sampling port.

e. *Access to Work Platform*.
   (1) Ladders to the work platform exceeding 15 feet in length shall have safety cages or fall arresters with a minimum of 3 compatible safety belts available for use by sampling personnel.
   (2) Walkways over free-fall areas shall be equipped with safety rails and toe boards.

f. *Electrical Power*.
   (1) A minimum of two 120-volt AC, 20-amp outlets shall be provided at the sampling platform

within 20 feet of each sampling port.

(2) If extension cords are used to provide the electrical power, they shall be kept on the plant's property and be available immediately upon request by sampling personnel.

g. *Sampling Equipment Support*.

(1) A three-quarter inch eyebolt and an angle bracket shall be attached directly above each port on vertical stacks and above each row of sampling ports on the sides of horizontal ducts.

(a) The bracket shall be a standard 3 inch × 3 inch × one-quarter inch equal-legs bracket which is 1 and one-half inches wide. A hole that is one-half inch in diameter shall be drilled through the exact center of the horizontal portion of the bracket. The horizontal portion of the bracket shall be located 14 inches above the centerline of the sampling port.

(b) A three-eighth inch bolt which protrudes 2 inches from the stack may be substituted for the required bracket. The bolt shall be located 15 and one-half inches above the centerline of the sampling port.

(c) The three-quarter inch eyebolt shall be capable of supporting a 500 pound working load. For stacks that are less than 12 feet in diameter, the eyebolt shall be located 48 inches above the horizontal portion of the angle bracket. For stacks that are greater than or equal to 12 feet in diameter, the eyebolt shall be located 60 inches above the horizontal portion of the angle bracket. If the eyebolt is more than 120 inches above the platform, a length of chain shall be attached to it to bring the free end of the chain to within safe reach from the platform.

(2) A complete monorail or dual rail arrangement may be substituted for the eyebolt and bracket.

(3) When the sample ports are located in the top of a horizontal duct, a frame shall be provided above the port to allow the sample probe to be secured during the test.

[Rule 62-297.310(6), F.A.C.]

TR7. Special Compliance Tests. When the PPRAQD, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the PPRAQD [Rule 62-297.310(7) (b), F.A.C.]

TR8. Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the PPRAQD, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the PPRAQD shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of paragraph 62-297.310(7) (b), F.A.C., shall apply.
[Rule 62-297.310(7) (c), F.A.C.]

Appendix 4

Table 1 to Subpart R of Part 63—General Provisions Applicability to Subpart R

40 CFR 63.420(h)

	Applicable Sections (40 CFR)
Applicability.	63.1(a)(1), 63.1(a)(2), 63.1(a)(3), 63.1(a)(4), 63.1(a)(6), 63.1(a)(10) 63.1(a)(11), 63.1(a)(12), 63.1(b)(2), 63.1(c)(1), 63.1(c)(2), 63.1(c)(4) 63.1(c)(5), 63.1(e)
Definitions.	63.2
Units and abbreviations.	63.3(a)–(c)
Prohibited activities and circumvention.	63.4(a)(1)–(a)(3), 63.4(a)(5), 63.4(b), 63.4(c)
Preconstruction review and notification requirements.	63.5(a)(1), 63.5(a)(2), 63.5(b)(1), 63.5(b)(3), 63.5(b)(4), 63.5(b)(5), 63.5(b)(6), 63.5(d)(1), 63.5(d)(2), 63.5(d)(3), 63.5(d)(4), 63.5(e), 63.5(f)(1), 63.5(f)(2)
Compliance with standards and maintenance requirements.	63.6(a), 63.6(b)(1), 63.6(b)(2), 63.6(b)(3), 63.6(b)(4), 63.6(b)(5), 63.6(b)(7), 63.6(c)(2), 63.6(c)(5), 63.6(e), 63.6(f)(1), 63.6(f)(2), 63.6(f)(3), 63.6(g), 63.6(i)(1)–(i)(14), 63.6(i)(16), 63.6(j)
Performance testing requirements.	63.7(a)(1), 63.7(a)(2), 63.7(a)(3), 63.7(b), 63.7(c), 63.7(d), 63.7(e)(1), 63.7(e)(2), 63.7(e)(3), 63.7(e)(4), 63.7(f), 63.7(g), 63.7(h)
Monitoring requirements.	63.8(a)(1), 63.8(a)(2), 63.8(a)(4), 63.8(b)(1), 63.8(b)(2), 63.8(b)(3), 63.8(c)(1), 63.8(c)(2), 63.8(c)(3), 63.8(c)(4), 63.8(c)(6)–(c)(8), 63.8(d), 63.8(e), 63.8(f)(1)–(f)(5), 63.8(f)(6), 63.8(g)
Notification requirements.	63.9(a), 63.9(b)(1), 63.9(b)(3), 63.9(b)(4), 63.9(b)(5), 63.9(c), 63.9(d), 63.9(e), 63.9(f), 63.9(g), 63.9(h)(1)–(h)(3), 63.9(h)(5)–(h)(6), 63.9(i), 63.9(j)
Recordkeeping and reporting requirements.	63.10(a), 63.10(b)(1), 63.10(b)(2), 63.10(b)(3), 63.10(c)(1), 63.10(c)(5)–(c)(8), 63.10(c)(5)–(c)(8), 63.10(d)(1), 63.10(d)(2), 63.10(d)(3), 63.10(d)(4), 63.10(d)(5), 63.10(e), 63.10(f)
Control device and work practice requirements.	63.11(a)–(b) 63.11(c), (d), and (e)
State authority and delegations.	63.12(a)–(c)
Addresses of State air pollution control agencies and EPA Regional Offices.	63.13(a)–(c)
Incorporations by reference.	63.14(a)–(b)
Availability of information and confidentiality.	63.15(a)–(b)

Appendix 5

Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ.

	Applicable Sections (40 CFR)
Applicability.	63.1
Definitions.	63.2
Units and abbreviations.	63.3
Prohibited activities and circumvention.	63.4
Preconstruction review and notification requirements.	63.5
Compliance with standards and maintenance requirements.	63.6(a), 63.6(b)(1)–(4), 63.6(b)(5), 63.6(b)(7), 63.6(c)(1)–(2), 63.6(c)(5), 63.6(f)(2), 63.6(f)(3), 63.6(g)(1)–(3), 63.6(i), 63.6(j)
Performance testing requirements.	63.7(a)(1)–(2), 63.7(a)(3), 63.7(b)(1), 63.7(b)(2), 63.7(c), 63.7(d), 63.7(e)(2), 63.7(e)(3), 63.7(e)(4), 63.7(f), 63.7(g), 63.7(h)
Monitoring requirements.	63.8(a)(1), 63.8(a)(2), 63.8(b)(1), 63.8(b)(2)–(3), 63.8(c)(1), 63.8(c)(1)(i), 63.8(c)(1)(ii), 63.8(c)(1)(iii), 63.8(c)(2)–(3), 63.8(c)(4), 63.8(c)(6)–(8), 63.8(d), 63.8(e) (only applies as specified in 63.6645), 63.8(f)(1)–(5), 63.8(f)(6), 63.8(g)
Notification requirements.	63.9(a), 63.9(b)(1)–(5) (applies as specified in 63.6645), 63.9(c), 63.9(d), 63.9(e), 63.9(g)(1), 63.9(g)(3)9 applies as specified in 63.6645), 63.9(h)(1)–(6), 63.9(i), 63.9(j)
Recordkeeping and reporting requirements.	63.10(a), 63.10(b)(1), 63.10(b)(2)(vi)–(xi), 63.10(b)(2)(xii), 63.10(b)(2)(xiii), 63.10(b)(2)(xiv), 63.10(b)(3), 63.10(c), 63.10(d)(1), 63.10(d)(2), 63.10(d)(4), 63.10(e)(1) and (2)(i), 63.10(e)(3), 63.10(f)
State authority and delegations	63.12
Addresses	63.13
Incorporation by reference	63.14
Availability of information	63.15

Appendix 6

Part 63 Subpart A—General Provisions (partial listing)

§63.1 Applicability.
§63.2 Definitions.
§63.3 Units and abbreviations.
§63.4 Prohibited activities and circumvention.
§63.5 Preconstruction review and notification requirements.

§ 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. 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 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, air pollution control, and monitoring equipment used to comply with the relevant standard. The startup, shutdown, and malfunction plan does not need to address any scenario that would not cause the source to exceed an applicable emission limitation in 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) [Reserved]

(iii) When actions taken by the owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), 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 and describes the actions taken for that event. In addition, the owner or operator must keep records of these events as specified in paragraph 63.10(b), including records of the occurrence and duration of each startup or shutdown (if the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), 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 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 develop a startup, shutdown, and malfunction plan which conforms to the provisions of this part, but may do so by citing to the relevant subpart or subparagraphs of paragraph (e) of this section. 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 and the elements of the startup, shutdown, and malfunction plan shall not be considered an applicable requirement as defined in §70.2 and §71.2 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 theFederal Registera notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. AnyFederal Registernotice 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 theFederal 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.

§ 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) Except as provided in paragraph (a)(4) of this section, 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) Except as provided in paragraph (a)(4) of this section, 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.

(4) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure:

(i) The owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline specified in paragraph (a)(2) or (a)(3) of this section, or elsewhere in this part, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

(ii) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure occurs.

(iii) The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Administrator. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.

(iv) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(4)(i), (a)(4)(ii), and (a)(4)(iii) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.

(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 performance testing shall include a test method performance audit (PA) during the performance test. The PAs consist of blind audit samples supplied by an accredited audit sample provider and analyzed during the performance test in order to provide a measure of test data bias. Gaseous audit samples are designed to audit the performance of the sampling system as well as the analytical system and must be collected by the sampling system during the compliance test just as the compliance samples are collected. If a liquid or solid audit sample is designed to audit the sampling system, it must also be collected by the sampling system during the compliance test. If multiple sampling systems or sampling trains are used during the compliance test for any of the test methods, the tester is only required to use one of the sampling systems per method to collect the audit sample. The audit sample must be analyzed by the same analyst using the same analytical reagents and analytical system and at the same time as the compliance samples. Retests are required when there is a failure to produce acceptable results for an audit sample. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the compliance authority may waive the reanalysis requirement, further audits, or retests and accept the results of the compliance test. Acceptance of the test results shall constitute a waiver of the reanalysis requirement, further audits, or retests. The compliance authority may also use the audit sample failure and the compliance test results as evidence to determine the compliance or noncompliance status of the affected facility. A blind audit sample is a sample whose value is known only to the sample provider and is not revealed to the tested facility until after they report the measured value of the audit sample. For pollutants that exist in the gas phase at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in air or nitrogen that can be introduced into the sampling system of the test method at or near the same entry point as a sample from the emission source. If no gas phase audit samples are available, an acceptable alternative is a sample of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. For samples that exist only in a liquid or solid form at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. An accredited audit sample provider (AASP) is an organization that has been accredited to prepare audit samples by an independent, third party accrediting body.

(A) The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. No audit samples are required for the following test methods: Methods 3C of Appendix A–3 of Part 60, Methods 6C, 7E, 9, and 10 of Appendix A–4 of Part 60, Method 18 of Appendix A–6 of Part 60, Methods 20, 22, and 25A of Appendix A–7 of Part 60, and Methods 303, 318, 320, and 321 of Appendix A of Part 63. If multiple sources at a

single facility are tested during a compliance test event, only one audit sample is required for each method used during a compliance test. The compliance authority responsible for the compliance test may waive the requirement to include an audit sample if they believe that an audit sample is not necessary. “Commercially available” means that two or more independent AASPs have blind audit samples available for purchase. If the source owner, operator, or representative cannot find an audit sample for a specific method, the owner, operator, or representative shall consult the EPA Web site at the following URL,http://www.epa.gov/ttn/emc,to confirm whether there is a source that can supply an audit sample for that method. If the EPA Web site does not list an available audit sample at least 60 days prior to the beginning of the compliance test, the source owner, operator, or representative shall not be required to include an audit sample as part of the quality assurance program for the compliance test. When ordering an audit sample, the source owner, operator, or representative shall give the sample provider an estimate for the concentration of each pollutant that is emitted by the source or the estimated concentration of each pollutant based on the permitted level and the name, address, and phone number of the compliance authority. The source owner, operator, or representative shall report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the compliance authority and shall report the results of the audit sample to the AASP. The source owner, operator, or representative shall make both reports at the same time and in the same manner or shall report to the compliance authority first and report to the AASP. If the method being audited is a method that allows the samples to be analyzed in the field and the tester plans to analyze the samples in the field, the tester may analyze the audit samples prior to collecting the emission samples provided a representative of the compliance authority is present at the testing site. The tester may request and the compliance authority may grant a waiver to the requirement that a representative of the compliance authority must be present at the testing site during the field analysis of an audit sample. The source owner, operator, or representative may report the results of the audit sample to the compliance authority and then report the results of the audit sample to the AASP prior to collecting any emission samples. The test protocol and final test report shall document whether an audit sample was ordered and utilized and the pass/fail results as applicable.

(B) An AASP shall have and shall prepare, analyze, and report the true value of audit samples in accordance with a written technical criteria document that describes how audit samples will be prepared and distributed in a manner that will ensure the integrity of the audit sample program. An acceptable technical criteria document shall contain standard operating procedures for all of the following operations:

(1)Preparing the sample;

(2)Confirming the true concentration of the sample;

(3)Defining the acceptance limits for the results from a well qualified tester. This procedure must use well established statistical methods to analyze historical results from well qualified testers. The acceptance limits shall be set so that there is 95 percent confidence that 90 percent of well qualified labs will produce future results that are within the acceptance limit range;

(4)Providing the opportunity for the compliance authority to comment on the selected concentration level for an audit sample;

(5) Distributing the sample to the user in a manner that guarantees that the true value of the sample is unknown to the user;

(6) Recording the measured concentration reported by the user and determining if the measured value is within acceptable limits;

(7) Reporting the results from each audit sample in a timely manner to the compliance authority and to the source owner, operator, or representative by the AASP. The AASP shall make both reports at the same time and in the same manner or shall report to the compliance authority first and then report to the source owner, operator, or representative. The results shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, and whether the testing

company passed or failed the audit. The AASP shall report the true value of the audit sample to the compliance authority. The AASP may report the true value to the source owner, operator, or representative if the AASP's operating plan ensures that no laboratory will receive the same audit sample twice.

(8) Evaluating the acceptance limits of samples at least once every two years to determine in consultation with the voluntary consensus standard body if they should be changed.

(9) Maintaining a database, accessible to the compliance authorities, of results from the audit that shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, the true value of the audit sample, the acceptance range for the measured value, and whether the testing company passed or failed the audit.

(C) The accrediting body shall have a written technical criteria document that describes how it will ensure that the AASP is operating in accordance with the AASP technical criteria document that describes how audit samples are to be prepared and distributed. This document shall contain standard operating procedures for all of the following operations:

(1) Checking audit samples to confirm their true value as reported by the AASP.

(2) Performing technical systems audits of the AASP's facilities and operating procedures at least once every two years.

(3) Providing standards for use by the voluntary consensus standard body to approve the accrediting body that will accredit the audit sample providers.

(D) The technical criteria documents for the accredited sample providers and the accrediting body shall be developed through a public process guided by a voluntary consensus standards body (VCSB). The VCSB shall operate in accordance with the procedures and requirements in the Office of Management and BudgetCircular A–119. A copy of Circular A–119 is available upon request by writing the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, by calling (202) 395–6880 or downloading online athttp://standards.gov/standards_gov/a119.cfm. The VCSB shall approve all accrediting bodies. The Administrator will review all technical criteria documents. If the technical criteria documents do not meet the minimum technical requirements in paragraphs (c)(2)(iii)(B) through (C) of this section, the technical criteria documents are not acceptable and the proposed audit sample program is not capable of producing audit samples of sufficient quality to be used in a compliance test. All acceptable technical criteria documents shall be posted on the EPA Web site at the following URL,http://www.epa.gov/ttn/emc.

(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) [Removed].

(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.

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§ 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 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 O_2or ng/J of pollutant).

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

(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments must not be included in any data average computed under this part. For the owner or operator complying with the requirements of §63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

§ 63.9 Notification requirements.

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

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

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

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

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

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

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

(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.

§ 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 or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;

(ii) The occurrence and duration of each malfunction of operation (i.e., process equipment) or the required air pollution control and monitoring equipment;

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

(iv)(A) Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)); or

(B) Actions taken during periods of malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when the actions taken 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, including actions taken, 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 or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), 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 or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), 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. Actions taken to minimize emissions during such startups, shutdowns, and malfunctions shall be summarized in the report and may be done in checklist form; if actions taken are the same for each event, only one checklist is necessary. 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 or shutdown caused the source to exceed any applicable emission limitation in the relevant emission standards, or if a 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 or shutdown that caused the source to exceed any applicable emission limitation in the relevant emission standards, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph (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, describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred (or could have occurred in the case of malfunctions), and actions taken to minimize emissions in conformance with §63.6(e)(1)(i). 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.

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§ 63.11 Control device and work practice requirements.

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

(2) This section contains requirements for control devices used to comply with applicable subparts of this part. The requirements are placed here for administrative convenience and apply only to facilities covered by subparts referring to this section.

(3) This section also contains requirements for an alternative work practice used to identify leaking equipment. This alternative work practice is placed here for administrative convenience and is available to all subparts in 40 CFR parts 60, 61, 63, and 65 that require monitoring of equipment with a 40 CFR part 60, appendix A–7, Method 21 monitor.

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

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

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

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

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

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

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

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

Where:

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

K_1=Constant, 6.0 volume-percent hydrogen.

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

X_{H2}=The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946–77. (Incorporated by reference as specified in §63.14).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (b)(7)(i) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted at 7.45 M/scm (200 Btu/scf) or greater if the flares is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K\sum_{i=1}^{n} C_i H_i$$

Where:

H_T=Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C.

K=Constant=

$$1.740\times10^{-7}\left(\frac{1}{ppmv}\right)\left(\frac{\text{g-mole}}{\text{scm}}\right)\left(\frac{\text{MJ}}{\text{kcal}}\right)$$

where the standard temperature for (g-mole/scm) is 20 °C.

C_i=Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946–77 or 90 (Reapproved 1994) (incorporated by reference as specified in §63.14).

H_i=Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809–95 (incorporated by reference as specified in §63.14) if published values are not available or cannot be calculated.

n=Number of sample components.

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

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

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

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

Where:

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

28.8=Constant.

31.7=Constant.

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

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

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

Where:

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

8.71=Constant.

0.708=Constant.

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

(c) ***Alternative work practice for monitoring equipment for leaks.*** Paragraphs (c), (d), and (e) of this section apply to all equipment for which the applicable subpart requires monitoring with a 40 CFR part 60, appendix A–7, Method 21 monitor, except for closed vent systems, equipment designated as leakless, and equipment identified in the applicable subpart as having no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background. An owner or operator may use an optical gas imaging instrument instead of a 40 CFR part 60, sppendix A–7, Method 21 monitor. Requirements in the existing subparts that are specific to the Method 21 instrument do not apply under this section. All other requirements in the applicable subpart that are not addressed in paragraphs (c), (d), and (e) of this section continue to apply. For example, equipment specification requirements, and non-Method 21 instrument recordkeeping and reporting requirements in the applicable subpart continue to apply. The terms defined in paragraphs (c)(1) through (5) of this section have meanings that are specific to the alternative work practice standard in paragraphs (c), (d), and (e) of this section.

(1) *Applicable subpart* means the subpart in 40 CFR parts 60, 61, 63, and 65 that requires monitoring of equipment with a 40 CFR part 60, appendix A–7, Method 21 monitor.

(2) *Equipment* means pumps, valves, pressure relief valves, compressors, open-ended lines, flanges, connectors, and other equipment covered by the applicable subpart that require monitoring with a 40 CFR part 60, appendix A–7, Method 21 monitor.

(3) *Imaging* means making visible emissions that may otherwise be invisible to the naked eye.

(4) *Optical gas imaging instrument* means an instrument that makes visible emissions that may otherwise be invisible to the naked eye.

(5) *Repair* means that equipment is adjusted, or otherwise altered, in order to eliminate a leak.

(6) *Leak* means:

(i) Any emissions imaged by the optical gas instrument;

(ii) Indications of liquids dripping;

(iii) Indications by a sensor that a seal or barrier fluid system has failed; or

(iv) Screening results using a 40 CFR part 60, appendix A–7, Method 21 monitor that exceed the leak definition in the applicable subpart to which the equipment is subject.

(d) The alternative work practice standard for monitoring equipment for leaks is available to all subparts in 40 CFR parts 60, 61, 63, and 65 that require monitoring of equipment with a 40 CFR part 60, appendix A–7, Method 21 monitor.

(1) An owner or operator of an affected source subject to 40 CFR parts 60, 61, 63, or 65 can choose to comply with the alternative work practice requirements in paragraph (e) of this section instead of using the 40 CFR part 60, appendix A–7, Method 21 monitor to identify leaking equipment. The owner or operator must document the equipment, process units, and facilities for which the alternative work practice will be used to identify leaks.

(2) Any leak detected when following the leak survey procedure in paragraph (e)(3) of this section must be identified for repair as required in the applicable subpart.

(3) If the alternative work practice is used to identify leaks, re-screening after an attempted repair of leaking equipment must be conducted using either the alternative work practice or the 40 CFR part 60, Appendix A–7, Method 21 monitor at the leak definition required in the applicable subparts to which the equipment is subject.

(4) The schedule for repair is as required in the applicable subpart.

(5) When this alternative work practice is used for detecting leaking equipment, choose one of the monitoring frequencies listed in Table 1 to subpart A of this part in lieu of the monitoring frequency specified for regulated equipment in the applicable subpart. Reduced monitoring frequencies for good performance are not applicable when using the alternative work practice.

(6) When this alternative work practice is used for detecting leaking equipment, the following are not applicable for the equipment being monitored:

(i) Skip period leak detection and repair;

(ii) Quality improvement plans; or

(iii) Complying with standards for allowable percentage of valves and pumps to leak.

(7) When the alternative work practice is used to detect leaking equipment, the regulated equipment in paragraph (d)(1)(i) of this section must also be monitored annually using a 40 CFR part 60, Appendix A–7, Method 21 monitor at the leak definition required in the applicable subpart. The owner or operator may choose the specific monitoring period (for example, first quarter) to conduct the annual monitoring. Subsequent monitoring must be conducted every 12 months from the initial period. Owners or operators must keep records of the annual Method 21 screening results, as specified in paragraph (i)(4)(vii) of this section.

(e) An owner or operator of an affected source who chooses to use the alternative work practice must comply with the requirements of paragraphs (e)(1) through (e)(5) of this section.

(1) *Instrument specifications.* The optical gas imaging instrument must comply with the requirements specified in paragraphs (e)(1)(i) and (e)(1)(ii) of this section.

(i) Provide the operator with an image of the potential leak points for each piece of equipment at both the detection sensitivity level and within the distance used in the daily instrument check described in paragraph (e)(2) of this section. The detection sensitivity level depends upon the frequency at which leak monitoring is to be performed.

(ii) Provide a date and time stamp for video records of every monitoring event.

(2) *Daily instrument check.* On a daily basis, and prior to beginning any leak monitoring work, test the optical gas imaging instrument at the mass flow rate determined in paragraph (e)(2)(i) of this section in accordance with the procedure specified in paragraphs (e)(2)(ii) through (e)(2)(iv) of this section for each camera configuration used during monitoring (for example, different lenses used), unless an alternative method to demonstrate daily instrument checks has been approved in accordance with paragraph (e)(2)(v) of this section.

(i) Calculate the mass flow rate to be used in the daily instrument check by following the procedures in paragraphs (e)(2)(i)(A) and (e)(2)(i)(B) of this section.

(A) For a specified population of equipment to be imaged by the instrument, determine the piece of equipment in contact with the lowest mass fraction of chemicals that are detectable, within the distance to be used in paragraph (e)(2)(iv)(B) of this section, at or below the standard detection sensitivity level.

(B) Multiply the standard detection sensitivity level, corresponding to the selected monitoring frequency in Table 1 of subpart A of this part, by the mass fraction of detectable chemicals from the stream identified in paragraph (e)(2)(i)(A) of this section to determine the mass flow rate to be used in the daily instrument check, using the following equation.

$$E_{dic} = (E_{sds}) \sum_{i=1}^{k} x_i$$

Where:

E_{dic}= Mass flow rate for the daily instrument check, grams per hour

x_i= Mass fraction of detectable chemical(s) i seen by the optical gas imaging instrument, within the distance to be used in paragraph (e)(2)(iv)(B) of this section, at or below the standard detection sensitivity level, E_{sds}.

E_{sds}= Standard detection sensitivity level from Table 1 to subpart A, grams per hour

k = Total number of detectable chemicals emitted from the leaking equipment and seen by the optical gas imaging instrument.

(ii) Start the optical gas imaging instrument according to the manufacturer's instructions, ensuring that all appropriate settings conform to the manufacturer's instructions.

(iii) Use any gas chosen by the user that can be viewed by the optical gas imaging instrument and that has a purity of no less than 98 percent.

(iv) Establish a mass flow rate by using the following procedures:

(A) Provide a source of gas where it will be in the field of view of the optical gas imaging instrument.

(B) Set up the optical gas imaging instrument at a recorded distance from the outlet or leak orifice of the flow meter that will not be exceeded in the actual performance of the leak survey. Do not exceed the operating parameters of the flow meter.

(C) Open the valve on the flow meter to set a flow rate that will create a mass emission rate equal to the mass rate calculated in paragraph (e)(2)(i) of this section while observing the gas flow through the optical gas imaging instrument viewfinder. When an image of the gas emission is seen through the viewfinder at the required emission rate, make a record of the reading on the flow meter.

(v) Repeat the procedures specified in paragraphs (e)(2)(ii) through (e)(2)(iv) of this section for each configuration of the optical gas imaging instrument used during the leak survey.

(vi) To use an alternative method to demonstrate daily instrument checks, apply to the Administrator for approval of the alternative under §63.177 or §63.178, whichever is applicable.

(3) *Leak survey procedure.* Operate the optical gas imaging instrument to image every regulated piece of equipment selected for this work practice in accordance with the instrument manufacturer's operating parameters. All emissions imaged by the optical gas imaging instrument are considered to be leaks and are subject to repair. All emissions visible to the naked eye are also considered to be leaks and are subject to repair.

(4) *Recordkeeping.* Keep the records described in paragraphs (e)(4)(i) through (e)(4)(vii) of this section:

(i) The equipment, processes, and facilities for which the owner or operator chooses to use the alternative work practice.

(ii) The detection sensitivity level selected from Table 1 to subpart A of this part for the optical gas imaging instrument.

(iii) The analysis to determine the piece of equipment in contact with the lowest mass fraction of chemicals that are detectable, as specified in paragraph (e)(2)(i)(A) of this section.

(iv) The technical basis for the mass fraction of detectable chemicals used in the equation in paragraph (e)(2)(i)(B) of this section.

(v) The daily instrument check. Record the distance, per paragraph (e)(2)(iv)(B) of this section, and the flow meter reading, per paragraph (e)(2)(iv)(C) of this section, at which the leak was imaged. Keep a video record of the daily instrument check for each configuration of the optical gas imaging instrument used during the leak survey (for example, the daily instrument check must be conducted for each lens used). The video record must include a time and date stamp for each daily instrument check. The video record must be kept for 5 years.

(vi) *Recordkeeping requirements in the applicable subpart.* A video record must be used to document the leak survey results. The video record must include a time and date stamp for each monitoring event. A video record can be used to meet the recordkeeping requirements of the applicable subparts if each piece of regulated equipment selected for this work practice can be identified in the video record. The video record must be kept for 5 years.

(vii) The results of the annual Method 21 screening required in paragraph (h)(7) of this section. Records must be kept for all regulated equipment specified in paragraph (h)(1) of this section. Records must identify the equipment screened, the screening value measured by Method 21, the time and date of the screening, and calibration information required in the existing applicable subparts.

(5) *Reporting.* Submit the reports required in the applicable subpart. Submit the records of the annual Method 21 screening required in paragraph (h)(7) of this section to the Administrator via e-mail to *CCG-AWP@EPA.GOV*.

§ 63.12 State authority and delegations.
§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.
§ 63.14 Incorporations by reference.
§ 63.15 Availability of information and confidentiality.
§ 63.16 Performance Track Provisions.

Appendix 7
Compliance Assurance Monitoring (CAM) Requirements

Marine Petroleum Liquid Loading Rack with Carbon Adsorption
Vapor Recovery Unit (MVRU) for Controlling VOC Emissions

Pursuant to Rule 62-213.440(1) (b)1.a., F.A.C., the CAM plans that are included in this appendix contain the monitoring requirements necessary to satisfy 40 CFR 64. Conditions 1. – 17. are generic conditions applicable to all emissions units that are subject to the CAM requirements. Specific requirements related to each emissions unit are contained in the attached tables, as submitted by the applicant and approved by the PPRAQD.

40 CFR 64.6 Approval of Monitoring.

1. The attached CAM plan(s), as submitted by the applicant, is/are approved for the purposes of satisfying the requirements of 40 CFR 64.3.
[40 CFR 64.6(a)]

2. The attached CAM plan(s) include the following information:
(i) The indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);
(ii) The means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and
(iii) The performance requirements established to satisfy 40 CFR 64.3(b) or (d), as applicable.
[40 CFR 64.6(c) (1)]

3. The attached CAM plan(s) describe the means by which the owner or operator will define an exceedance of the permitted limits or an excursion from the stated indicator ranges and averaging periods for purposes of responding to (see **CAM Conditions 5. - 14.**) and reporting exceedances or excursions (see **CAM Conditions 15. – 16.**).
[40 CFR 64.6(c) (2)]

4. The owner or operator is required to conduct the monitoring specified in the attached CAM plan(s) and shall fulfill the obligations specified in the conditions below (see **CAM Conditions 5. - 16.**).
[40 CFR 64.6(c) (3)]

40 CFR 64.7 Operation of Approved Monitoring.

5. Commencement of operation. The owner or operator shall conduct the monitoring required under this appendix upon the effective date of this Title V permit.
[40 CFR 64.7(a)]

6. Proper maintenance. At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
[40 CFR 64.7(b)]

7. Continued operation. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring

malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.
[40 CFR 64.7(c)]

8. Response to excursions or exceedances.

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

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

[40 CFR 64.7(d) (1) & (2)]

9. Documentation of need for improved monitoring. If the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the Title V permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.
[40 CFR 64.7(e)]

40 CFR 64.8 Quality Improvement Plan (QIP) Requirements.

10. Based on the results of a determination made under **CAM Condition 8.b.,** above, the permitting authority may require the owner or operator to develop and implement a QIP. Consistent with **CAM Condition 4.**, an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, may require the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.
[40 CFR 64.8(a)]

11. Elements of a QIP:

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

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

(i) Improved preventive maintenance practices.
(ii) Process operation changes.
(iii) Appropriate improvements to control methods.

(iv) Other steps appropriate to correct control performance.

(v) More frequent or improved monitoring (only in conjunction with one or more steps under **CAM Condition 11.b(i)** through **(iv)**, above).

[40 CFR 64.8(b)]

12. If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.
[40 CFR 64.8(c)]

13. Following implementation of a QIP, upon any subsequent determination pursuant to **CAM Condition 8.b.**, the permitting authority may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

a. Failed to address the cause of the control device performance problems; or

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

[40 CFR 64.8(d)]

14. Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act.
[40 CFR 64.8(e)]

<u>40 CFR 64.9 Reporting And Recordkeeping Requirements.</u>

15. <u>General reporting requirements.</u>

a. Commencing from the effective date of this permit, the owner or operator shall submit monitoring reports semi-annually to the permitting authority in accordance with Rule 62-213.440(1) (b)3.a., F.A.C.

b. A report for monitoring under this part shall include, at a minimum, the information required under Rule 62-213.440(1) (b)3.a., F.A.C., and the following information, as applicable:

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

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

(iii) A description of the actions taken to implement a QIP during the reporting period as specified in **CAM Conditions 10.** through **14.** Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[40 CFR 64.9(a)]

16. <u>General recordkeeping requirements.</u>

a. The owner or operator shall comply with the recordkeeping requirements specified in Rule 62-213.440(1) (b)2., F.A.C. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to **CAM Conditions 10.** through **14.** and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

b. Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative

media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

[40 CFR 64.9(b)]

40 CFR 64.10 Savings Provisions.

17. It should be noted that nothing in this appendix shall:

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

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

c. Restrict or abrogate the authority of the administrator or permitting authority to take any enforcement action under the Act for any violation of an applicable requirement or of any person to take action under section 304 of the Act.

[40 CFR 64.10]

Emissions Unit 30

Marine Petroleum Liquid Loading Rack with Carbon Adsorption
Vapor Recovery Unit (MVRU) for Controlling VOC Emissions

TABLE 1.a: MONITORING APPROACH – VRU Indicator No 1

		Indicator 1
I.	**Parameter**	The vacuum pressure of the carbon bed during the regeneration cycle.
	Measurement Approach	An absolute pressure transmitter is installed at a representative location on the MVRU. The transmitter will continuously monitor the regeneration cycle vacuum pressure.
II.	**Indicator Range**	An excursion is defined as when the vacuum gauge pressure recorded pressure transmitter does not reach 24.5 inches of mercury or greater during carbon bed regeneration.
	Response to Excursion	When an excursion occurs, an insufficient vacuum warning is generated for that bed, and generates a VRU fault at the DSU and the loading rack automatically shuts down. An excursion triggers an investigation, corrective action, and a reporting requirement. If the required corrective action cannot be conducted by onsite personnel, the contracted maintenance group will be notified of the incident within 24 hours and will be brought onsite as soon as possible.
III	**Performance Criteria** **A. Data Representativeness**	The pressure during the regeneration cycle is measured in the vacuum pump suction line. The minimum accuracy of the pressure transmitter is ±1.0 percent.
	B. Verification of Operational Status	During formal compliance testing
	C. QA/QC Practices and Criteria **D. Monitoring Frequency**	Pressure transmitter is calibrated annually. Alarm light operation is visually checked each day that an operator is on duty during normal working days. The regeneration cycle vacuum is continuously monitored. The regeneration cycle chart and the alarm light are visually inspected, once per 24 hour shift by the operator on duty.
IV.	**Data Collection Procedures**	The data acquisition system (DAS) records the pressure profile during each regeneration cycle. The DAS also records when the interlock system shuts down the loading rack. The operator on duty inspects and records the pressure profile during one regeneration cycle and the alarm light status per 24 hour shift.
	Averaging Period	N/A.

TABLE 1.b: MONITORING APPROACH – VRU Indicator No 2

		Indicator 2
I.	**Parameter**	Documentation of inspection and maintenance program and annual carbon testing.
	Measurement Approach	Proper VRU operation is verified by performing periodic inspections, maintenance, and record keeping.

		Daily checks and record keeping by the operator on duty include verification of gasoline flow, purge air flow, cycle time, valve timing, and operating temperatures. Annual testing of the carbon in each bed and related maintenance activities are performed by maintenance contractor.
II.	**Indicator Range**	An excursion is defined as a failure to perform or document periodic inspections, scheduled preventative maintenance, or biennial carbon testing; or if corrective action is not initiated within 24 hours of detection to correct any problems identified during the inspection, maintenance of the VRU or during the carbon testing.
III	**Performance Criteria** **A. Data Representativeness**	VRU operation verified visually by trained personnel using documented inspection and maintenance procedures. Representative carbon sample obtained from both carbon beds
	Verification of Operational Status	NA
	QA/QC Practices and Criteria	Operators are trained on inspection and maintenance procedures.
	Monitoring Frequency	Contract maintenance group performs quarterly scheduled maintenance. Biennial carbon testing
V.	**Data Collection Procedures**	Results of inspections and any maintenance necessary are recorded in VRU operating log. Results of carbon testing are maintained onsite.
	Averaging Period	N/A