

**Prickett, Patricia**

---

**From:** Steven Counts [SCounts@scipaveit.com]  
**Sent:** Wednesday, May 05, 2010 9:39 AM  
**To:** Prickett, Patricia  
**Cc:** Knight, Nancy  
**Subject:** Re: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

I received it and understand thanks stevé counts

-----Original Message-----

**From:** Prickett, Patricia <Patricia.Prickett@dep.state.fl.us>  
**To:** Steven Counts  
**CC:** Knight, Nancy <Nancy.Knight@dep.state.fl.us>  
**Sent:** Tue May 04 11:32:16 2010  
**Subject:** FW: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

ATTN: Mr. Steven Counts, President

Steven Counts Inc

Dear Mr. Counts:

On April 26th, I sent you the email shown below. It is important that I receive verification that you were able to access the Link and the documents. Please respond at your earliest convenience.

Thank you,

Patricia Prickett

Patricia Prickett

Senior Clerk

FDEP - Air Program - SWD

(813) 632-7600 Ext 102

Email: [Patricia.Prickett@dep.state.fl.us](mailto:Patricia.Prickett@dep.state.fl.us)

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**From:** Prickett, Patricia  
**Sent:** Monday, April 26, 2010 2:37 PM  
**To:** 'scounts@scipaveit.com'  
**Cc:** 'bburke@scipaveit.com'; 'Bruno@grovescientific.com'; Knight, Nancy; Zhang-Torres  
**Subject:** STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

Importance: High

Attention: Mr. Steven Counts, President

Owner/Company Name: STEVEN COUNTS, INC.  
Facility Name: STEVEN COUNTS, INC. ASPHALT PLANT Number3  
Project Number: 0830023-007-AO  
Permit Status: FINAL  
Permit Activity: OPERATION  
Facility County: MARION

Dear Mr. Counts:

**IMPORTANT:** We must receive verification, by email, that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:  
[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/0830023.007.AO.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0830023.007.AO.F_pdf.zip)

Attached is the official Notice of Permit Amendment for the project referenced above. This Notice of Permit Amendment has been posted on the Department of Environmental Protection's Southwest District website.

Click on the link displayed above to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

Permit project documents that are addressed in this e-mail may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

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If you should have any questions, please contact Nancy Knight at [Nancy.Knight@dep.state.fl.us](mailto:Nancy.Knight@dep.state.fl.us).

Sincerely,

Patricia Prickett

Patricia Prickett

Senior Clerk

FDEP - Air Program - SWD

(813) 632-7600 Ext 102

Email: [Patricia.Prickett@dep.state.fl.us](mailto:Patricia.Prickett@dep.state.fl.us) <<mailto:Patricia.Prickett@dep.state.fl.us>>

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**Prickett, Patricia**

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**From:** postmaster@scipaveit.com  
**To:** Steven Counts  
**Sent:** Tuesday, May 04, 2010 11:33 AM  
**Subject:** Delivered: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Your message has been delivered to the following recipients:**

Steven Counts

Subject: FW: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Prickett, Patricia**

---

**From:** Steven Counts [SCounts@scipaveit.com]  
**To:** Prickett, Patricia  
**Sent:** Tuesday, May 04, 2010 11:52 AM  
**Subject:** Read: FW: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

Your message was read on Tuesday, May 04, 2010 11:52:17 AM (GMT-05:00) Eastern Time (US & Canada).

**Prickett, Patricia**

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**From:** Prickett, Patricia  
**Sent:** Tuesday, May 04, 2010 11:32 AM  
**To:** 'scounts@scipaveit.com'  
**Cc:** Knight, Nancy  
**Subject:** FW: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Importance:** High

ATTN: Mr. Steven Counts, President  
Steven Counts Inc

Dear Mr. Counts:

On April 26<sup>th</sup>, I sent you the email shown below. It is **important** that I receive verification that you were able to access the Link and the documents. Please respond at your earliest convenience.

Thank you,

*Patricia Prickett*

Patricia Prickett  
Senior Clerk  
FDEP - Air Program - SWD  
(813) 632-7600 Ext 102

Email: [Patricia.Prickett@dep.state.fl.us](mailto:Patricia.Prickett@dep.state.fl.us)

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**From:** Prickett, Patricia  
**Sent:** Monday, April 26, 2010 2:37 PM  
**To:** 'scounts@scipaveit.com'  
**Cc:** 'bburke@scipaveit.com'; 'Bruno@grovescientific.com'; Knight, Nancy; Zhang-Torres  
**Subject:** STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO  
**Importance:** High

Attention: Mr. Steven Counts, President

Owner/Company Name: STEVEN COUNTS, INC.  
Facility Name: STEVEN COUNTS, INC. ASPHALT PLANT Number3  
Project Number: 0830023-007-AO  
Permit Status: FINAL  
Permit Activity: OPERATION  
Facility County: MARION

Dear Mr. Counts:

**IMPORTANT: We must receive verification, by email, that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).**

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[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/0830023.007.AO.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0830023.007.AO.F_pdf.zip)

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If you should have any questions, please contact Nancy Knight at [Nancy.Knight@dep.state.fl.us](mailto:Nancy.Knight@dep.state.fl.us).

Sincerely,

*Patricia Prickett*

Patricia Prickett  
Senior Clerk  
FDEP - Air Program - SWD  
(813) 632-7600 Ext 102

Email: [Patricia.Prickett@dep.state.fl.us](mailto:Patricia.Prickett@dep.state.fl.us)

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Tracking:

**BEST AVAILABLE COPY**

Recipient:  
'scouts@scipaveit.com'  
Knight, Nancy

Delivered:  
Delivered: 5/4/2010 11:32 AM

**Prickett, Patricia**

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**From:** Microsoft Exchange  
**To:** 'Bruno@grovescientific.com'  
**Sent:** Monday, April 26, 2010 2:41 PM  
**Subject:** Relayed: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

'Bruno@grovescientific.com'

Subject: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

---

Sent by Microsoft Exchange Server 2007



**Prickett, Patricia**

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**From:** postmaster@scipaveit.com  
**To:** Billiy Burke; Steven Counts  
**Sent:** Monday, April 26, 2010 2:42 PM  
**Subject:** Delivered: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Your message has been delivered to the following recipients:**

Billiy Burke

Steven Counts

Subject: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Prickett, Patricia**

---

**From:** postmaster@scipaveit.com  
**To:** Billiy Burke; Steven Counts  
**Sent:** Monday, April 26, 2010 2:42 PM  
**Subject:** Delivered: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Your message has been delivered to the following recipients:**

Billiy Burke

Steven Counts

Subject: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Prickett, Patricia**

---

**From:** Steven Counts [SCounts@scipaveit.com]  
**To:** Prickett, Patricia  
**Sent:** Monday, April 26, 2010 2:51 PM  
**Subject:** Read: STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

Your message was read on Monday, April 26, 2010 2:50:38 PM (GMT-05:00) Eastern Time (US & Canada).

**Prickett, Patricia**

---

**From:** Prickett, Patricia  
**Sent:** Monday, April 26, 2010 2:37 PM  
**To:** 'scounts@scipaveit.com'  
**Cc:** 'bburke@scipaveit.com'; 'Bruno@grovescientific.com'; Knight, Nancy; Zhang-Torres  
**Subject:** STEVEN COUNTS, INC. ASPHALT PLANT Number 3; 0830023-007-AO

**Importance:** High

Attention: Mr. Steven Counts, President

Owner/Company Name: STEVEN COUNTS, INC.  
Facility Name: STEVEN COUNTS, INC. ASPHALT PLANT Number3  
Project Number: 0830023-007-AO  
Permit Status: FINAL  
Permit Activity: OPERATION  
Facility County: MARION

Dear Mr. Counts:

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If you should have any questions, please contact Nancy Knight at [Nancy.Knight@dep.state.fl.us](mailto:Nancy.Knight@dep.state.fl.us).

Sincerely,

*Patricia Prickett*

Patricia Prickett

Senior Clerk  
FDEP - Air Program - SWD  
(813) 632-7600 Ext 102

Email: [Patricia.Prickett@dep.state.fl.us](mailto:Patricia.Prickett@dep.state.fl.us)

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**Tracking:**

<b>Recipient</b>	<b>Delivery</b>	<b>Read</b>
'scounts@scipaveit.com'		
'bburke@scipaveit.com'		
'Bruno@grovescientific.com'		
Knight, Nancy	Delivered: 4/26/2010 2:41 PM	
Zhang-Torres	Delivered: 4/26/2010 2:41 PM	Read: 4/26/2010 2:53 PM



# Florida Department of Environmental Protection

Southwest District  
13051 N. Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## NOTICE OF PERMIT AMENDMENT

Steven Counts, President  
Steven Counts, Inc.  
16611 SE 58<sup>th</sup> Avenue  
Summerfield, FL 34491

Re: Correct SO<sub>2</sub> Emission Credit  
DEP Project File No.: 0830023-007-AO  
Reference DEP Permit No.: 0830023-005-AO

Dear Mr. Counts:

The Department is initiating this air operation permit amendment to clarify the AP-42 Emission Factors used to calculate SO<sub>2</sub> emissions for reporting in the Annual Operating Report. This is an amendment to air operation permit 0830023-005-AO for your Ocala facility. This permit was issued on 07/30/2009, and is for a drum mix asphalt plant. The following amendment is hereby made as follows:

Specific Condition No. 32.:

FROM:

32. Annual Operating Report (AOR) - On or before **April 1** of each year, the permittee shall submit a completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" (AOR) for the preceding calendar year. The report may be submitted electronically in accordance with the instructions received with the AOR package sent by the Department, or a hardcopy may be sent to the Compliance Authority. The sulfur dioxide emissions from using fuel oil when producing asphalt product shall be determined using the U.S. EPA's document AP-42, Table 1.3-1 and a reduction of 0.1 lbs. of sulfur dioxide for each ton of asphalt product produced.  
[Rules 62-4.070(3), 62-210.370(3), and 62-210.300(3)(c)2.h,F.A.C.]

TO:

32. Annual Operating Report (AOR) - On or before **April 1** of each year, the permittee shall submit a completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" (AOR) for the preceding calendar year. The report may be submitted electronically in accordance with the instructions received with the AOR package sent by the Department, or a hardcopy may be sent to the Compliance Authority. The sulfur

dioxide emissions from using fuel oil when producing asphalt product shall be determined using the U.S. EPA's document AP-42, Table 1.3-1 and a reduction of 50% of the fuel bound sulfur, up to a maximum (as SO<sub>2</sub>) of 0.1 lb of sulfur dioxide for each ton of asphalt product produced. (Note: one pound of sulfur produces two pounds of SO<sub>2</sub>.)  
[Rules 62-4.070(3), 62-210.370(3), and 62-210.300(3)(c)2.h,F.A.C.]

A person whose substantial interests are affected by the proposed permit amendment may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this permit amendment. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

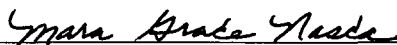
This permit amendment is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.

Any party to the Order (Permit Amendment) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal under Rule 9.110 of the Florida rules of Appellate Procedure, with the clerk of the Department of Environmental Protection in the Office of General Counsel, Douglas Building, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

This letter must be attached to and becomes a part of permit 0830023-005-AO. If you have any questions, please call permit engineer, Nancy E. Knight, at (813)632-7600 extension 120.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Mara Grace Nasca  
District Air Program Administrator  
Southwest District

MGN/NEK/pp



**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Permit Amendment was sent by electronic mail before the close of business on 04-26-2010 to the person(s) listed:

Mr. Steven Counts, President, Steven Counts, Inc.  
(scounts@scipaveit.com)

Mr. Billy Burke, Steven Counts, Inc.  
(bburke@scipaveit.com)

Mr. Bruno Ferraro, Grove Scientific & Engineering Company  
(bruno@grovescientific.com)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



(Clerk)

04-26-2010

(Date)



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## CERTIFIED MAIL-RETURN RECEIPT REQUESTED

In the Matter of an  
Application for Permit by:

Steven Counts, President  
Steven Counts, Inc.  
16611 SE 58<sup>th</sup> Avenue  
Summerfield, FL 34491

DEP File No. 0830023-005-AO  
Marion County

Dear Mr. Counts:

Enclosed is Final Permit Number 0830023-005-AO. This permit authorizes Steven Counts, Inc. to operate a drum mix asphalt plant, Asphalt Plant #3. This facility is located at 9765 SW State Road 200 in Ocala, Marion County, Florida. This permit is issued pursuant to Section(s) 403.087, Florida Statutes.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of final permit. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of final permit, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;

Steven Counts, Inc.  
Asphalt Plant # 3, Marion County  
Final Operation Permit 0830023-005-AO

- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301 of the Florida Administrative Code.

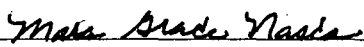
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Mara Grace Nasca  
District Air Program Administrator  
Southwest District

MGN/DRZ/pp  
Enclosures

BEST AVAILABLE COPY

UNITED STATES POSTAL SERVICE

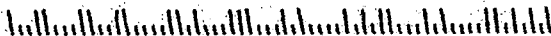
FL 32511  
05 AUG 2009 PM



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Dept. of Environmental Protection  
AUG 05 2009  
Dept. of Environmental Protection  
Air Resource Management  
13051 North Telecom Parkway Southwest District  
Temple Terrace, FL 33637-0926



7008 2810 0001 9561 7315

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$

Certified Fee

Return (Endorser)  
Restricted (Endorser)

Mr. Steven Counts, President  
Steven Counts, Inc.  
16611 SE 58th Avenue  
Summerfield, FL 34491

Total Postage

0830023-005-AO Final 07/30/2009

Sent To

Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Steven Counts, President  
Steven Counts, Inc.  
16611 SE 58th Avenue  
Summerfield, FL 34491  
  
0830023-005-AO Final 07/30/2009

2. Article Number:  
(Transfer from service label)

7008 2810 0001 9561 7315

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Paula Ballard*  Agent  Address

B. Received by (Printed Name)

C. Date of Delivery

8/3/09

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Steven Counts, Inc.  
Asphalt Plant # 3, Marion County  
Final Operation Permit 0830023-005-AO

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final Permit) was sent by certified mail before the close of business on 07-30-2009 to the person(s) listed:


Mr. Steven Counts, President  
Steven Counts, Inc.  
16611 SE 58<sup>th</sup> Avenue  
Summerfield, FL 34491

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit \*was mailed by U.S. Mail before the close of business on 07-30-2009 to the person(s) listed:

Mr. James T. Show, P.E.  
Grove Scientific & Engineering Company  
6140 Edgewater Drive, Suite F  
Orlando, Florida 32810

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
(Clerk) 07-30-2009  
(Date)

\* Note: An electronic version of this Notice of Final Permit and the Final Permit will be posted on the Division of Air Resource Management's world wide web site. The web site address is:

<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## **PERMITTEE:**

Steven Counts, Inc.  
16611 SE 58<sup>th</sup> Avenue  
Summerfield, FL 34491

FINAL Permit No.: 0830023-005-AO

County: Marion

Effective Date: 07/30/2009

Expiration Dates: 07/30/2014

Project: Drum Mix Asphalt Plant # 3

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-204 through 297 & 62-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

This permit authorizes the operation of a drum mix asphalt plant, as described below.

## **Permitted Emission Unit**

Emission Unit (EU) ID No. 001 is a counterflow continuous mix drum hot mix asphalt concrete plant. The plant has a design production capacity of approximately 400 tons/hour of hot mix asphaltic concrete. The asphalt plant's drum mixer dryer is fired with new/virgin No. 2 fuel oil, or on-specification used/reclaimed oil, each having a maximum sulfur content not to exceed 1.0% by weight. The maximum design heat input rate to the drum mixer dryer is 100.0 MMBTU/hour. Particulate matter emissions from the plant drum mixer are controlled by an Astec Model RBH-55-10 baghouse. The plant is electrically powered by a local power utility.

## **Exempt Emission Source**

Associated with the asphalt concrete plant is a Gencor Hyway Model HC-100 liquid asphalt cement heater, used to heat portions of the hot asphalt silos. The heater is also only fired only with new/virgin No. 2 fuel oil, or on-specification used/reclaimed oil, each having a maximum sulfur content not to exceed 1.0% by weight. The maximum design heat input rate to the asphalt heater is 1.0 MMBTU/hour, but the unit is operated at 0.4 MMBTU/hour. The emissions from this emission source are deemed insignificant and exempt from permitting in accordance with Rule 62-4.040, F.A.C.

## **Rule Applicability**

The facility is regulated under NSPS 40 CFR 60, Subpart I (Standards of Performance for Hot Mix Asphalt Facilities), adopted by reference in Rule 62-204.600((8)(b)12., F.A.C.; and under Rule 62-210.300(3)(c)2., F.A.C. (Conditional Exemptions from Title V Permitting - Asphalt Concrete Plants). Thus this asphalt production facility is a synthetic non-Title V source, with annual production limited to 500,000 tons/year of asphalt concrete and facility fuel oil usage limited to 1.2 million gallons/year in accordance with the above Title V conditional exemption rule.

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Steven Counts, Inc.

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**Project:** Drum Mix Asphalt Plant # 3

**Facility Information Summary**

**Location:** 9765 SW State Road 200, SW of Ocala, Marion County

**UTM Coordinates:** 17-375.0 East 3214.9 North   **Latitude:** 29°03'22.7"   **Longitude:** 82°17'00.8"

**Facility ID No.:** 0830023

**Emission Unit (EU) ID Nos. and Descriptions:** 001 - Drum Mix Asphalt Concrete Plant

*NOTE: Please reference Permit No. and Emission Unit ID No. in all correspondence, test report submittals, applications, etc.*

**Permit History/Affected Permits**

This operation permit renewal replaces the previous operation permit for this facility, Permit 0830023-003-AO, and incorporates the modifications made in Construction Permit 0830023-006-AC.

**Attachment(s) to this permit**

- General Conditions, version dated 11/1/2005
- Appendix NSPS 40 CFR 60 Subpart I (*Standards of Performance for Hot Mix Asphalt Facilities*)
- Appendix NSPS 40 CFR 60 Subpart A (*General Provisions to 40 CFR 60*)

**SPECIFIC CONDITIONS:**

1. General Conditions - A part of this permit is the attached 15 General Conditions.  
[Rule 62-4.160, F.A.C.]
  
2. Other Requirements - Issuance of this permit does not relieve the permittee from complying with applicable emission limiting standards or other requirements of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C., or any other requirements under federal, state or local law.  
[Rule 62-210.300, F.A.C.]



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Operation Requirements

3. Operational Limits - The facility is limited to the following operating limitations::

E.U. ID No.	Brief Description	Maximum Hours of Operation (per consecutive 12-month period)	Maximum Drum Dryer Heat Input Rate <sup>1</sup> (MMBtu/hr)	Daily Average Maximum Production (tons/hour)	Maximum Yearly Production (tons/consecutive 12-month period)
001	Drum Mix Asphalt Concrete Plant	8,760 (i.e., not limited)	100	400	500,000

<sup>1</sup> This value is based on the maximum design burner heat input rating - recordkeeping is not required to document compliance with this limitation as long as the burner is not replaced.

[Rules 62-4.070(3), 62-210.300(3)(c)2.a (Conditional Exemption from Title V Air Permitting - Asphalt Concrete Plants), 62-210.200, Definitions (PTE), F.A.C.; Construction Permit 0830023-006-AC]

4. Permitted Fuels, and Maximum Fuel Usage and Sulfur Content - The drum dryer and the asphalt concrete heater are permitted to be fired only with new/virgin No. 2 fuel oil or on-specification used/reclaimed oil. The sulfur content of the fuel oil (new and used) shall not exceed 1.0% by weight. The maximum fuel oil usage (new and used oil combined) for the asphalt plant (combined usage for both the drum dryer and asphalt heater) shall not exceed 1.2 million gallons per any consecutive 12-month period. (See Specific Condition No. 28 for associated fuel sulfur content recordkeeping requirement.) [Rules 62-4.070(3), 62-210.300(3)(c)2.b and c. (Conditional Exemption from Title V Air Permitting - Asphalt Concrete Plants), F.A.C.]

5. Used/reclaimed Fuel Oil Specifications - The permittee shall not burn off-specification used/reclaimed oil. For each delivery of on-specification used oil, the vendor shall provide an analysis documenting the fuel oil meets the following requirements of 40 CFR 761.20(e)(2) and (3) and 40 CFR 279.11 (July 1, 2001): (See Specific Condition No. 29 for associated recordkeeping requirements.)

Constituent/Property	Allowable Level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Total Halogens	Shall not exceed 1000 ppm <sup>1</sup>
Flash Point	100 degrees F minimum
PCB's	Shall be less than 2 ppm

<sup>1</sup> Levels over 1000 ppm require additional testing (Ref. 40 CFR 279.11).

[Rules 62-4.070(3) and 62-710.210, F.A.C.]

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6. Circumvention of Control Equipment - The permittee shall not circumvent any air pollution control device or allow the emissions of air pollutants without the applicable air pollution control device (asphalt plant baghouse) operating properly. Increasing the volume of any exhaust stream for the purpose of reducing stack exhaust concentrations is forbidden. This includes allowing dilution air to enter the system through leaks, open vents, or similar means. (*Note: See Specific Condition No. 10. for a baghouse visible emission (VE) limitation associated with this requirement.*)  
[Rule 62-210.650, F.A.C.]

#### Emission Limitations

7. Federal New Source Performance Standards (NSPS) Requirements - The asphalt concrete plant is subject to the applicable requirements of NSPS 40 CFR 60 Subpart I (Standards of Performance for Hot Mix Asphalt Facilities) and Subpart A (General Provisions to 40 CFR 60), both of which are adopted by reference in Rule 62-204.800(8), F.A.C. , and made a part of this permit in the attached Appendix NSPS 40 CFR 60 Subpart I and Appendix NSPS 40 CFR 60 Subpart A. [Rule 62-204.800(8), F.A.C.]

8. Asphalt Plant Particulate Matter (PM) Emissions Limit - Particulate matter (PM) emissions associated with the asphalt concrete plant shall not exceed 0.04 grains per standard cubic foot averaged over a three (3) hour period. Compliance with this limit shall be based on stack testing of the asphalt plant baghouse exhaust.  
[Rules 62-204.800(8)(b)12., and 62-210.300(c)2.d, F.A.C.; NSPS Subpart I 40 CFR 60.92(a)(1)]

9. General Pollutant Emission Limiting Standard: Visible Emissions (VE) - Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Rule 62-297.401, F.A.C. [Rules 62-296.320(4)(b)1, 62-296.320(4)(b)4 and 62-297.401, F.A.C.]

10. Baghouse Visible Emission Limitation - In order to provide reasonable assurance that the requirements of Specific Condition No. 6. are being met and the baghouse is being maintained and operated properly, visible emissions (VE) from the baghouse exhaust shall not exceed 5% opacity.  
[Rules 62-4.070(3), and Rule 62-210.650, F.A.C.; Construction Permit 0830023-006-AC]

*(Permitting Note: This limitation is more stringent than the 20% opacity limit contained in NSPS Subpart I 40 CFR 60.92(a)(2). Therefore compliance with this limit also constitutes compliance with the NSPS Subpart I VE limitation.)*

11. General Pollutant Emission Limiting Standards: Unconfined Particulate Matter (PM) - No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any emissions unit whatsoever, including, but not limited to, 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. Reasonable precautions may include, but shall not be limited to the following:

A. Paved parking and trafficked areas shall be maintained and kept free of particulate matter build-up;

*(continued)*

11. (continued)

- B. Sprinkling with water shall be used as necessary on paved areas, unpaved areas, and stockpiles;
- C. All aggregate brought into the facility arrives and is dumped in a damp manner; and
- D. Posting and enforcing a 5 MPH speed limit in all traffic areas.

*(Permitting note: If operation experience indicates that these reasonable precautions are not sufficient to control unconfined emissions, the Department reserves the right to require additional measures, such as recordkeeping for water truck gallons applied, etc.)*

[Rules 62-4.070(3) and 62-296.320(4)(c), F.A.C.; Construction Permit 0830023-006-AC]

12. Fugitive Emissions Opacity Standard - In order to provide reasonable assurance that the precautions and practices taken at the plant are adequate, visible emissions of unconfined particulate matter should not exceed 10% opacity. Exceedance of this limit shall not be considered a violation in and of itself, but an indication that additional control precautions and/or practices beyond those outlined in Specific Condition No. 11 may be necessary.

[Rules 62-4.070(3), F.A.C.; Construction Permit 0830023-006-AC]

13. General Pollutant Emission Limiting Standards: Objectionable Odor - The facility shall not cause, suffer, allow, or permit the discharge of air pollutants that cause or contribute to an objectionable odor. An objectionable odor is 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), F.A.C.]

14. Asbestos Containing Materials - This facility shall not process Asbestos Containing Materials (ACM), whether regulated asbestos containing material (RACM), category I or category II, and whether friable or non-friable when received at the facility.

- A. "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite and includes trade acronym products such as amosite.
- B. "Asbestos-containing materials", ACM, means any materials which contain more than one percent asbestos as determined by Polarized Light Microscopy. Based on a representative composite sample.
- C. "Asbestos removal project" means renovation or demolition operation in a facility that involves the removal of a threshold amount of regulated asbestos-containing material.
- D. "Category I Nonfriable Asbestos-Containing Material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy.
- E. "Category II Non-friable ACM" means any material, excluding Category I Nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

[40 CFR 61, Subpart M; Chapter 62-257, F.A.C.; Rules 62-730.300 and 62-701.520, F.A.C.]

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**15. Excess Emissions** - 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 start-up, shutdown, or malfunction shall be prohibited.

[Rule 62-210.700(4), F.A.C.]

**16. Excess Emissions Reporting** - In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Air Compliance Section of the Department's Southwest District 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.

[Rule 62-210.700(6), F.A.C.]

#### Compliance Testing Requirements

**17. Asphalt Plant Baghouse Visible Emission (VE) Testing** - In order to document compliance with Specific Condition No. 10, the permittee shall test the emissions from the asphalt concrete plant's baghouse for visible emissions (VE) on an annual basis between October 1 and September 30 (i.e., once per federal fiscal year)

[Rules 62-210.300(3)(c)2.i and 62-297.310(7)(a), F.A.C.]

**18. Asphalt Plant Particulate Matter (PM) Testing** - In order to document compliance with Specific Condition No. 8, the permittee shall test the emissions from the baghouse of the asphalt concrete plant for particulate matter emissions (PM) emissions on an annual basis between October 1 and September 30 (i.e., once per federal fiscal year)

[Rules 62-210.300(3)(c)2.i and 62-297.310(7)(a), F.A.C.]

**19. Visible Emissions (VE) Test Method** - Compliance with the visible emissions limitations of this permit shall be conducted in accordance with US EPA Method 9 as adopted by reference in Rule 62-214.800(8)(e), F.A.C. Testing shall be conducted by a certified observer in accordance with Method 9. The duration of the test shall be a minimum of thirty (30) minutes or, if the operation is normally completed within less than thirty (30) minutes and does not recur within that time, the test shall last for the length of the batch cycle or operation completion time. The visible emission test observation period shall include the period which the highest opacity emissions can be reasonably be expected to occur.

[Rules 62-204.800(8)(b)12., 62-297.310(4)(a)2.a., 62-297.310(7)4.a, and 62-297.401, F.A.C.; NSPS Subpart I 40 CFR 60.93(b)(1)]

**20. Particulate matter (PM) Test Method** - Compliance with the particulate matter (PM) limit of Specific Condition No.8 shall be conducted in accordance with EPA Method 5 or 5A, incorporated and adopted by reference in Rule 62-204.800(8)(e), F.A.C.

[Rules 62-204.800(8)(b)12., 62-210.300(c)2.i, and 62-297.401, F.A.C.; NSPS Subpart I 40 CFR 60.93(b)(1)]

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**21. Operation Rate During Testing** - Testing of emissions shall be conducted with the emission unit operating at capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit (*i.e.*, 400 TPH - *see Specific Condition No. 3*). If it is not feasible to test at permitted capacity, an emission unit may be tested at less than the minimum permitted capacity; however, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than fifteen (15) consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. In addition, the concrete asphalt plant shall comply with the following requirements.

- A. A compliance test submitted when the dryer is fired with new No. 2 virgin diesel fuel oil will allow the dryer to be only fired with new No. 2 virgin diesel fuel oil and up to 400 hours of firing on-specification used/reclaimed fuel oil. Within thirty (30) days of exceeding the 400<sup>th</sup> hour of firing the dryer with on-specification used/reclaimed fuel oil, a new compliance tests shall be conducted with the dryer being fired with on-specification used/reclaimed fuel oil.
- B. A compliance test submitted when the dryer is fired with on-specification used/reclaimed fuel oil will allow the dryer to be fired with on-specification used fuel oil and new No. 2 virgin diesel fuel oil.

[Rules 62-4.070(3) and 62-297.310(2), F.A.C.; Construction Permit 0830023-006-AC]

**22. Special Compliance Testing** - When the Department, 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 are being violated, it may 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 Department.

[Rule 62-297.310(7)(b), F.A.C.]

**23. Compliance Testing Notification** - At least 15 days prior to the date on which any compliance test is due to begin, the permittee shall provide written notification of the test to the Air Compliance Section of the Department's Southwest District Office. The notification must include the following information: the date, time, and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test; and the name, company, and telephone number of the person conducting the test.

*(Permitting Note: The notification should also include the relevant emission unit ID No(s), test method(s) to be used, and pollutants to be tested.)*

[Rules 62-4.070(3) and 62-297.310(7)(a)9, F.A.C.]

**24. Compliance Test Report** - The owner of an air pollution emissions unit, for which compliance tests are required, shall file a report. The required test report shall be filed with the Air Compliance Section of the Department's Southwest District as soon as practical but no later than 45 days after each test is completed. The test report submittal shall meet all applicable requirements of Chapter 62-297, F.A.C. The test report submittal shall include the following information for the test period. Failure to submit this information may invalidate the test.

- A. facility Name and E.U. Number;

*(continued)*

**PERMITTEE:**  
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**24. (continued)**

- B. date;
- C. production rate of asphalt concrete in tons/hr during the testing period;
- D. type of fuel oil burned in the drum dryer during the testing period;
- E. estimated gallons/hour of fuel oil burned in the drum dryer during the testing period;
- F. used/reclaimed fuel oil analysis, for the most recent fuel oil received, to document compliance with the on-specification used/reclaimed oil limits of Specific Condition No. 5, if used fuel oil was burned;
- G. fuel oil sulfur content records required in Specific Condition No. 28 for the most recent fuel oil received; and
- H. pressure drop across the baghouse during the testing period.

[Rules 62-4.070(3) and 62-297.310(8), F.A.C.; Construction Permit 0830023-006-AC]

**25. Stack Sampling** - The permittee shall install and maintain stack sampling facilities (as required), including ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must meet requirements of Rule 62-297, F.A.C. and any Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

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

**26. Required Equipment** - The owner or operator of an emission 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 emission data to determine the compliance of emissions units with applicable emission limiting standards. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weigh 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.]

**Reporting And Recordkeeping**

**27. Operation Records** - In order to document continuing compliance with Specific Condition Nos. 3 and 4 the owner shall maintain the following records:

Daily - Record the following:

- A. tons of asphalt concrete produced;
- B. hours of production;
- C. daily average of asphalt concrete produced in tons/hr; and

(continued)

27. (continued)

- D. the quantity (in gallons) of each of the two (2) types of fuel oil (i.e., used reclaim oil or new No. 2 oil) delivered for firing in the asphalt concrete plant's dryer or asphalt cement heater\*.

(\* Asphalt Cement Heater Fuel Use Note - If the asphalt cement heater is using No. 2 oil (diesel) from the same fuel tank as the heavy mobile equipment operating at the facility, then, rather than being based on fuel deliveries, monthly asphalt cement heater fuel usage may be estimated (calculated) based on actual operating hours and maximum asphalt cement heater burner heat input rate (MMBTU/hr) or firing rate (gal/hour). If this option is used then monthly records of asphalt cement heater operating hours shall be kept.)

Monthly - Record the monthly and the most recent consecutive 12-month totals of the following:

- E. tons of asphalt concrete produced;  
F. hours of asphalt plant dryer operation; and  
G. the quantity (in gallons) of each of the two (2) types of fuel oil delivered for firing the asphalt concrete plant's dryer or asphalt cement heater (\* see Asphalt Cement Heater Fuel Use Note above) .

Monthly, if the last compliance test was done while firing new No. 2 fuel oil – Record the:

- H. cumulative number of hours of operation of the drum dryer while firing used reclaim oil since the last compliance test.

Daily records shall be completed by the end of the 3rd business day and monthly records shall be completed by the end of the following month.

[Rules 62-4.070(3) and 62-210.300(3)(c)2.g, F.A.C.; Construction Permit 0830023-006-AC]

**28. Fuel Sulfur Content Record** - In order to document continuing compliance with the fuel oil sulfur content limitations of Specific Condition No. 4, the permittee shall keep records of the sulfur content, in % by weight, of all new and used fuel oil delivered for use at this facility. The analysis shall be either a vendor provided as-shipped analysis, or on analysis of as-received samples taken at the plant. The analysis shall be determined by appropriate ASTM methods.

[Rules 62-210.300(3)(c)2.c and 62-4.070(3), F.A.C.; Construction Permit 0830023-006-AC]

**29. On-Specification Used Oil Records** - In order to document compliance with the on-specification used oil limits of Specific Condition No. 5, the permittee shall keep records of the used fuel oil analysis for all deliveries of used oil for use at this facility. The analysis shall be either a vendor provided as-shipped analysis, or on analysis of as-received samples taken at the plant. The analysis shall be determined by appropriate ASTM methods and shall include all of the constituents/properties shown in the table in Specific Condition No. 5.

[Rules 62-710.210 and 62-4.070(3), F.A.C.]

**30. Baghouse Operation Record** - The asphalt concrete plant baghouse differential pressure gauge shall be checked once (1) per each 8-hours of operation and recorded in a logbook.

[Rule 62-4.070(3), F.A.C.; Construction Permit 0830023-006-AC]

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**31. Records Retention** - All records shall be recorded in a permanent form suitable for inspection by the Department upon request, and shall be kept at the facility for a minimum of the most recent five (5) year period.

[Rules 62-4.070(3) and 62-210.300(3)(c)2.g, F.A.C.]

Annual Operating Report

**32. Annual Operating Report (AOR)** - On or before **April 1** of each year, the permittee shall submit a completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" (AOR) for the preceding calendar year. The report may be submitted electronically in accordance with the instructions received with the AOR package sent by the Department, or a hardcopy may be sent to the Air Compliance section of the Southwest District of the Department. The sulfur dioxide emissions from using fuel oil when producing asphalt product shall be determined using the U.S. EPA.'s document AP-42, Table 1.3-1 and a reduction of 0.1 pounds of sulfur dioxide for each ton of asphalt product produced when completing this form.

[Rules 62-4.070(3), 62-210.370(3), and 62-210.300(3)(c)2.h, F.A.C.]

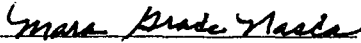
Operation Permit Revision

**33. Operation Permit Renewal Application** - A completed application for renewal of the operation permit shall be submitted to the Air Permitting Section of the Department's Southwest District Office no later than 60 days prior to the expiration date of the operation permit. To properly apply for an operation permit, the applicant shall submit the following:

- A. the appropriate permit application form (*see current version of Rule 62-210.900, F.A.C. (Forms and Instructions)*), and/or FDEP Division of Air Resource Management website at: <http://www.dep.state.fl.us/air/>;
- B. the appropriate operation permit application fee from Rule 62-4.050(4)(a), F.A.C.; and
- C. copies of the most recent month of monthly records required by Specific Condition Nos. 27. E., F., and G. (and H., if applicable).

[Rules 62-4.030, 62-4.050, 62-4.070(3), 62-4.090, 62-210.300(2), and 62-210.900, F.A.C.]

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

  
Mara Grace Nasca  
District Air Program Administrator  
Southwest District



## ATTACHMENT - GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.). The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. Not applicable to Air Permits.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - a. Have access to and copy any records that must be kept under conditions of the permit;
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - a. A description of and cause of noncompliance; and
  - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

**Federal Regulations Adopted by Reference**

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

*Federal Revision Date: February 14, 1989*

*Rule Effective Date: June 21, 2002*

*Standardized Conditions Revision Date: April 24, 2008*

**40 CFR Part 60, Subpart I - Standards of Performance for Hot Mix Asphalt Facilities**

**§ 60.90 Applicability and designation of affected facility.**

- (a) The affected facility to which the provisions of this subpart apply is each hot mix asphalt facility. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

[42 FR 37936, July 25, 1977, as amended at 51 FR 12325, Apr. 10, 1986]

**§ 60.91 Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

- (a) *Hot mix asphalt facility* means any facility, as described in §60.90, used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.

[51 FR 12325, Apr. 10, 1986]

**§ 60.92 Standard for particulate matter.**

- (a) On and after the date on which the performance test required to be conducted by §60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:
  - (1) Contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).
  - (2) Exhibit 20 percent opacity, or greater.

[39 FR 9314, Mar. 8, 1974, as amended at 40 FR 46259, Oct. 6, 1975]

**§ 60.93 Test methods and procedures.**

- (a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b).
- (b) The owner or operator shall determine compliance with the particulate matter standards in §60.92 as follows:
  - (1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
  - (2) Method 9 and the procedures in §60.11 shall be used to determine opacity.

[54 FR 6667, Feb. 14, 1989]

### Federal Regulations Adopted by Reference

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

*Federal Revision Date: June 13, 2007*

*Rule Effective Date: October 1, 2007*

*Standardized Conditions Revision Date: October 9, 2008*

### 40 CFR Part 60, Subpart A - General Provisions

#### § 60.1 Applicability.

- (a) Except as provided in subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.
- (b) Any new or revised standard of performance promulgated pursuant to section 111(b) of the Act shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.
- (c) In addition to complying with the provisions of this part, the owner or operator of an affected facility may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Title V of the Clean Air Act (Act) as amended November 15, 1990 (42 U.S.C. 7661). For more information about obtaining an operating permit see part 70 of this chapter.
- (d) *Site-specific standard for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia. {Not Applicable}*

#### § 60.2 Definitions.

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

*Act* means the Clean Air Act (42 U.S.C. 7401 *et seq.* )

*Administrator* means the Administrator of the Environmental Protection Agency or his authorized representative.

*Affected facility* means, with reference to a stationary source, any apparatus to which a standard is applicable.

*Alternative method* means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

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

*Capital expenditure* means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

*Clean coal technology demonstration project* means a project using funds appropriated under the heading 'Department of Energy-Clean Coal Technology', up to a total amount of \$2,500,000,000 for commercial demonstrations of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency.

*Commenced* means, with respect to the definition of *new source* in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

*Construction* means fabrication, erection, or installation of an affected facility.

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*Continuous monitoring system* means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

*Electric utility steam generating unit* means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

*Equivalent method* means any method of sampling and analyzing for an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

*Excess Emissions and Monitoring Systems Performance Report* is a report that must be submitted periodically by a source in order to provide data on its compliance with stated emission limits and operating parameters, and on the performance of its monitoring systems.

*Existing facility* means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

*Force majeure* means, for purposes of §60.8, an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

*Isokinetic sampling* means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

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

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

*Modification* means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

*Monitoring device* means the total equipment, required under the monitoring of operations sections in applicable subparts, used to measure and record (if applicable) process parameters.

*Nitrogen oxides* means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

*One-hour period* means any 60-minute period commencing on the hour.

*Opacity* means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

*Owner or operator* means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

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

*Particulate matter* means any finely divided solid or liquid material, other than uncombined water, as measured by the reference methods specified under each applicable subpart, or an equivalent or alternative method.

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

*Permitting authority* means:

- (1) The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or
- (2) The Administrator, in the case of EPA-implemented permit programs under title V of the Act (42 U.S.C. 7661).

*Proportional sampling* means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

*Reactivation of a very clean coal-fired electric utility steam generating unit* means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

- (1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory at the time of enactment;
- (2) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;
- (3) Is equipped with low-NO<sub>x</sub> burners prior to the time of commencement of operations following reactivation; and
- (4) Is otherwise in compliance with the requirements of the Clean Air Act.

*Reference method* means any method of sampling and analyzing for an air pollutant as specified in the applicable subpart.

*Repowering* means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990. Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

*Run* means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

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

*Six-minute period* means any one of the 10 equal parts of a one-hour period.

*Standard* means a standard of performance proposed or promulgated under this part.

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

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

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

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

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

*Volatile Organic Compound* means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method, an equivalent method, an alternative method, or which is determined by procedures specified under any subpart.

[44 FR 55173, Sept. 25, 1979, as amended at 45 FR 5617, Jan. 23, 1980; 45 FR 85415, Dec. 24, 1980; 54 FR 6662, Feb. 14, 1989; 55 FR 51382, Dec. 13, 1990; 57 FR 32338, July 21, 1992; 59 FR 12427, Mar. 16, 1994; 72 FR 27442, May 16, 2007]

### § 60.3 Units and abbreviations.

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

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

A—ampere  
g—gram  
Hz—hertz  
J—joule  
K—degree Kelvin  
kg—kilogram  
m—meter  
m<sup>3</sup>—cubic meter  
mg—milligram—10<sup>-3</sup>gram  
mm—millimeter—10<sup>-3</sup>meter  
Mg—megagram—10<sup>6</sup> gram  
mol—mole  
N—newton  
ng—nanogram—10<sup>-9</sup>gram  
nm—nanometer—10<sup>-9</sup>meter  
Pa—pascal  
s—second  
V—volt  
W—watt  
Ω—ohm  
μg—microgram—10<sup>-6</sup>gram

(b) Other units of measure:

Btu—British thermal unit  
°C—degree Celsius (centigrade)  
cal—calorie  
cfm—cubic feet per minute  
cu ft—cubic feet  
dcf—dry cubic feet  
dcm—dry cubic meter  
dscf—dry cubic feet at standard conditions  
dscm—dry cubic meter at standard conditions  
eq—equivalent  
°F—degree Fahrenheit  
ft—feet  
gal—gallon  
gr—grain  
g-eq—gram equivalent  
hr—hour

in—inch

k—1,000

l—liter

lpm—liter per minute

lb—pound

meq—milliequivalent

min—minute

ml—milliliter

mol. wt.—molecular weight

ppb—parts per billion

ppm—parts per million

psia—pounds per square inch absolute

psig—pounds per square inch gage

°R—degree Rankine

scf—cubic feet at standard conditions

scfh—cubic feet per hour at standard conditions

scm—cubic meter at standard conditions

sec—second

sq ft—square feet

std—at standard conditions

(c) Chemical nomenclature:

CdS—cadmium sulfide

CO—carbon monoxide

CO<sub>2</sub>—carbon dioxide

HCl—hydrochloric acid

Hg—mercury

H<sub>2</sub>O—water

H<sub>2</sub>S—hydrogen sulfide

H<sub>2</sub>SO<sub>4</sub>—sulfuric acid

N<sub>2</sub>—nitrogen

NO—nitric oxide

NO<sub>2</sub>—nitrogen dioxide

NO<sub>x</sub>—nitrogen oxides

O<sub>2</sub>—oxygen

SO<sub>2</sub>—sulfur dioxide

SO<sub>3</sub>—sulfur trioxide

SO<sub>x</sub>—sulfur oxides

(d) Miscellaneous:

A.S.T.M.—American Society for Testing and Materials

[42 FR 37000, July 19, 1977; 42 FR 38178, July 27, 1977]

**§ 60.4 Address.**

All addresses that pertain to Florida have been incorporated. To see the complete list of addresses please go to <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div6&view=text&node=40:6.0.1.1.1.1&idno=40>.

Link to an amendment published at 73 FR 18164, Apr. 3, 2008.

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

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Director, Air and Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30365.

- (b) Section 111(c) directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards of performance for new stationary sources located in such State. All information required to be submitted to EPA under paragraph (a) of this section, must also be submitted to the appropriate State Agency of any State to which this authority has been delegated (provided, that each specific delegation may except sources from a certain Federal or State reporting requirement). The appropriate mailing address for those States whose delegation request has been approved is as follows:

(K) Bureau of Air Quality Management, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL 32301.

[40 FR 18169, Apr. 25, 1975]

**Editorial Note:** For Federal Register citations affecting §60.4 see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 60.5 Determination of construction or modification.**

- (a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.
- (b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

[40 FR 58418, Dec. 16, 1975]

**§ 60.6 Review of plans.**

- (a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.
- (b)
- (1) A separate request shall be submitted for each construction or modification project.
- (2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.
- (c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974]

**§ 60.7 Notification and record keeping.**

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



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- (1) A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
  - (2) [Reserved]
  - (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
  - (4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in §60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.
  - (5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with §60.13(c). Notification shall be postmarked not less than 30 days prior to such date.
  - (6) A notification of the anticipated date for conducting the opacity observations required by §60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.
  - (7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by §60.8 in lieu of Method 9 observation data as allowed by §60.11(e)(5) of this part. This notification shall be postmarked not less than 30 days prior to the date of the performance test.
- (b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.
- (c) Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:
- (1) The magnitude of excess emissions computed in accordance with §60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
  - (2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
  - (3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.
  - (4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.
- (d) The summary report form shall contain the information and be in the format shown in figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.
- (1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in §60.7(c) need not be submitted unless requested by the Administrator.
  - (2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in §60.7(c) shall both be submitted.

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Figure 1—Summary Report—Gaseous and Opacity Excess Emission and Monitoring System Performance

Pollutant (Circle One—SO<sub>2</sub>/NO<sub>x</sub>/TRS/H<sub>2</sub>S/CO/Opacity)

Reporting period dates: From \_\_\_\_\_ to \_\_\_\_\_

Company: \_\_\_\_\_

Emission Limitation \_\_\_\_\_

Address: \_\_\_\_\_

Monitor Manufacturer and Model No. \_\_\_\_\_

Date of Latest CMS Certification or Audit \_\_\_\_\_

Process Unit(s) Description: \_\_\_\_\_

Total source operating time in reporting period<sup>1</sup> \_\_\_\_\_

Emission data summary <sup>1</sup>		CMS performance summary <sup>1</sup>	
1. Duration of excess emissions in reporting period due to:		1. CMS downtime in reporting period due to:	
a. Startup/shutdown		a. Monitor equipment malfunctions	
b. Control equipment problems		b. Non-Monitor equipment malfunctions	
c. Process problems		c. Quality assurance calibration	
d. Other known causes		d. Other known causes	
e. Unknown causes		e. Unknown causes	
2. Total duration of excess emission		2. Total CMS Downtime	
3. Total duration of excess emissions × (100) [Total source operating time]	% <sup>2</sup>	3. [Total CMS Downtime] × (100) [Total source operating time]	% <sup>2</sup>

<sup>1</sup>For opacity, record all times in minutes. For gases, record all times in hours.

<sup>2</sup>For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in §60.7(c) shall be submitted.

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

(e)

- (1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:
  - (i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this part continually demonstrate that the facility is in compliance with the applicable standard;
  - (ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the applicable standard; and
  - (iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.
- (2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.
- (3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.

- (f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:
  - (1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
  - (2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.
  - (3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated

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authority determines these records are required to more accurately assess the compliance status of the affected source.

- (g) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.
- (h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

[36 FR 24877, Dec. 28, 1971, as amended at 40 FR 46254, Oct. 6, 1975; 40 FR 58418, Dec. 16, 1975; 45 FR 5617, Jan. 23, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 52 FR 9781, Mar. 26, 1987; 55 FR 51382, Dec. 13, 1990; 59 FR 12428, Mar. 16, 1994; 59 FR 47265, Sep. 15, 1994; 64 FR 7463, Feb. 12, 1999]

**§ 60.8 Performance tests.**

- (a) Except as specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
  - (1) 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, 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, 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.
  - (2) 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.
  - (3) 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.
  - (4) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(1), (2), and (3) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.
- (b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
- (c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- (d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the

Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

- (e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:
- (1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
  - (2) Safe sampling platform(s).
  - (3) Safe access to sampling platform(s).
  - (4) Utilities for sampling and testing equipment.
- (f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974; 42 FR 57126, Nov. 1, 1977; 44 FR 33612, June 11, 1979; 54 FR 6662, Feb. 14, 1989; 54 FR 21344, May 17, 1989; 64 FR 7463, Feb. 12, 1999; 72 FR 27442, May 16, 2007]

#### **§ 60.9 Availability of information.**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of §§60.5 and 60.6 is governed by §§2.201 through 2.213 of this chapter and not by §2.301 of this chapter.)

#### **§ 60.10 State authority.**

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

- (a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.
- (b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

#### **§ 60.11 Compliance with standards and maintenance requirements.**

- (a) Compliance with standards in this part, other than opacity standards, shall be determined in accordance with performance tests established by §60.8, unless otherwise specified in the applicable standard.
- (b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
- (c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.
- (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e)

- (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in §60.8 unless one of the following conditions apply. If no performance test under §60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under §60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in §60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under §60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.
- (2) Except as provided in paragraph (e)(3) of this section, the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph (b) of this section, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under §60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.
- (3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in §60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph (e)(1) of this section shall apply.
- (4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by §60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and §60.8 performance test results.
- (5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under §60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under §60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under §60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under §60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under §60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in §60.13(c) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.

- (6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by §60.8, the opacity observation results and observer certification required by §60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by §60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with §60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.
- (7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.
- (8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the Federal Register.
- (f) Special provisions set forth under an applicable subpart shall supersede any conflicting provisions in paragraphs (a) through (e) of this section.
- (g) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[38 FR 28565, Oct. 15, 1973, as amended at 39 FR 39873, Nov. 12, 1974; 43 FR 8800, Mar. 3, 1978; 45 FR 23379, Apr. 4, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 51 FR 1790, Jan. 15, 1986; 52 FR 9781, Mar. 26, 1987; 62 FR 8328, Feb. 24, 1997; 65 FR 61749, Oct. 17, 2000]

**§ 60.12 Circumvention.**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[39 FR 9314, Mar. 8, 1974]

**§ 60.13 Monitoring requirements.**

- (a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.
- (b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under §60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.
- (c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under §60.11(e)(5), he shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, appendix B, of this part before the performance test required under §60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under §60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of this part. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.

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- (1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under §60.8 and as described in §60.11(e)(5) shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in paragraph (c) of this section at least 10 days before the performance test required under §60.8 is conducted.
  - (2) Except as provided in paragraph (c)(1) of this section, the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.
- (d)
- (1) Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in appendix B of this part. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified. Owners and operators of a COMS installed in accordance with the provisions of this part, must automatically, intrinsic to the opacity monitor, check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of PS-1 in appendix B of this part. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.
  - (2) Unless otherwise approved by the Administrator, the following procedures must be followed for a COMS. Minimum procedures must include an automated method for producing a simulated zero opacity condition and an upscale opacity condition using a certified neutral density filter or other related technique to produce a known obstruction of the light beam. Such procedures must provide a system check of all active analyzer internal optics with power or curvature, all active electronic circuitry including the light source and photodetector assembly, and electronic or electro-mechanical systems and hardware and or software used during normal measurement operation.
- (e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:
- (1) All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
  - (2) All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- (f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of this part shall be used.
- (g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation of fewer systems is approved by the Administrator. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system.
- (h)
- (1) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in §60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period.



- (2) For continuous monitoring systems other than opacity, 1-hour averages shall be computed as follows, except that the provisions pertaining to the validation of partial operating hours are only applicable for affected facilities that are required by the applicable subpart to include partial hours in the emission calculations:
- (i) Except as provided under paragraph (h)(2)(iii) of this section, for a full operating hour (any clock hour with 60 minutes of unit operation), at least four valid data points are required to calculate the hourly average, *i.e.*, one data point in each of the 15-minute quadrants of the hour.
  - (ii) Except as provided under paragraph (h)(2)(iii) of this section, for a partial operating hour (any clock hour with less than 60 minutes of unit operation), at least one valid data point in each 15-minute quadrant of the hour in which the unit operates is required to calculate the hourly average.
  - (iii) For any operating hour in which required maintenance or quality-assurance activities are performed:
    - (A) If the unit operates in two or more quadrants of the hour, a minimum of two valid data points, separated by at least 15 minutes, is required to calculate the hourly average; or
    - (B) If the unit operates in only one quadrant of the hour, at least one valid data point is required to calculate the hourly average.
  - (iv) If a daily calibration error check is failed during any operating hour, all data for that hour shall be invalidated, unless a subsequent calibration error test is passed in the same hour and the requirements of paragraph (h)(2)(iii) of this section are met, based solely on valid data recorded after the successful calibration.
  - (v) For each full or partial operating hour, all valid data points shall be used to calculate the hourly average.
  - (vi) Except as provided under paragraph (h)(2)(vii) of this section, data recorded during periods of continuous monitoring system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph.
  - (vii) Owners and operators complying with the requirements of §60.7(f)(1) or (2) must include any data recorded during periods of monitor breakdown or malfunction in the data averages.
  - (viii) When specified in an applicable subpart, hourly averages for certain partial operating hours shall not be computed or included in the emission averages (*e.g.* hours with < 30 minutes of unit operation under §60.47b(d)).
  - (ix) Either arithmetic or integrated averaging of all data may be used to calculate the hourly averages. The data may be recorded in reduced or nonreduced form (*e.g.*, ppm pollutant and percent O<sub>2</sub> or ng/J of pollutant).
- (3) All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in the applicable subpart. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in the applicable subpart to specify the emission limit.
- (i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:
    - (1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.
    - (2) Alternative monitoring requirements when the affected facility is infrequently operated.
    - (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
    - (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
    - (5) Alternative methods of converting pollutant concentration measurements to units of the standards.
    - (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
    - (7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

- (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.
- (9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.
- (j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:
  - (1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in Section 8.4 of Performance Specification 2 and substitute the procedures in Section 16.0 if the results of a performance test conducted according to the requirements in §60.8 of this subpart or other tests performed following the criteria in §60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in Section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).
  - (2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure, that the CEMS data indicate that the source emissions are approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable regulation(s) [e.g., §60.45(g) (2) and (3), §60.73(e), and §60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in Section 8.4 of Performance Specification 2.

[40 FR 46255, Oct. 6, 1975; 40 FR 59205, Dec. 22, 1975, as amended at 41 FR 35185, Aug. 20, 1976; 48 FR 13326, Mar. 30, 1983; 48 FR 23610, May 25, 1983; 48 FR 32986, July 20, 1983; 52 FR 9782, Mar. 26, 1987; 52 FR 17555, May 11, 1987; 52 FR 21007, June 4, 1987; 64 FR 7463, Feb. 12, 1999; 65 FR 48920, Aug. 10, 2000; 65 FR 61749, Oct. 17, 2000; 66 FR 44980, Aug. 27, 2001; 71 FR 31102, June 1, 2006; 72 FR 32714, June 13, 2007]

**Editorial Note:** At 65 FR 61749, Oct. 17, 2000, §60.13 was amended by revising the words “ng/J of pollutant” to read “ng of pollutant per J of heat input” in the sixth sentence of paragraph (h). However, the amendment could not be incorporated because the words “ng/J of pollutant” do not exist in the sixth sentence of paragraph (h).

**§ 60.14 Modification.**

- (a) Except as provided under paragraphs (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.
- (b) Emission rate shall be expressed as kg/hr of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

- (1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrates that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.
- (2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in paragraph (b)(1) of this section does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in paragraph (b)(1) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in appendix C of this part shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.
- (c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.
- (d) [Reserved]
- (e) The following shall not, by themselves, be considered modifications under this part:
  - (1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of paragraph (c) of this section and §60.15.
  - (2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.
  - (3) An increase in the hours of operation.
  - (4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by §60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.
  - (5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.
  - (6) The relocation or change in ownership of an existing facility.
- (f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.
- (g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraph (a) of this section, compliance with all applicable standards must be achieved.
- (h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.
- (i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.
- (j)
  - (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any

pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.

- (2) This exemption shall not apply to any new unit that:
- (i) Is designated as a replacement for an existing unit;
  - (ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and
  - (iii) Is located at a different site than the existing unit.

- (k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration project*, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- (l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

[40 FR 58419, Dec. 16, 1975, as amended at 43 FR 34347, Aug. 3, 1978; 45 FR 5617, Jan. 23, 1980; 57 FR 32339, July 21, 1992; 65 FR 61750, Oct. 17, 2000]

**§ 60.15 Reconstruction.**

- (a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.
- (b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:
- (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and
  - (2) It is technologically and economically feasible to meet the applicable standards set forth in this part.
- (c) "Fixed capital cost" means the capital needed to provide all the depreciable components.
- (d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:
- (1) Name and address of the owner or operator.
  - (2) The location of the existing facility.
  - (3) A brief description of the existing facility and the components which are to be replaced.
  - (4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.
  - (5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.
  - (6) The estimated life of the existing facility after the replacements.
  - (7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.
- (e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.
- (f) The Administrator's determination under paragraph (e) shall be based on:
- (1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;
  - (2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;
  - (3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

[40 FR 58420, Dec. 16, 1975]

**§ 60.16 Priority list.**

A list of prioritized major source categories may be found at the following EPA web site:

**<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div6&view=text&node=40:6.0.1.1.1.1&idno=40>**

**§ 60.17 Incorporations by reference.**

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:  
*[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html)*.

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

- (1) ASTM A99-76, 82 (Reapproved 1987), Standard Specification for Ferromanganese, incorporation by reference (IBR) approved for §60.261.
- (2) ASTM A100-69, 74, 93, Standard Specification for Ferrosilicon, IBR approved for §60.261.
- (3) ASTM A101-73, 93, Standard Specification for Ferrochromium, IBR approved for §60.261.
- (4) ASTM A482-76, 93, Standard Specification for Ferrochromesilicon, IBR approved for §60.261.
- (5) ASTM A483-64, 74 (Reapproved 1988), Standard Specification for Silicomanganese, IBR approved for §60.261.
- (6) ASTM A495-76, 94, Standard Specification for Calcium-Silicon and Calcium Manganese-Silicon, IBR approved for §60.261.
- (7) ASTM D86-78, 82, 90, 93, 95, 96, Distillation of Petroleum Products, IBR approved for §§60.562-2(d), 60.593(d), 60.593a(d), and 60.633(h).
- (8) ASTM D129-64, 78, 95, 00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §§60.106(j)(2), 60.335(b)(10)(i), and Appendix A: Method 19, 12.5.2.2.3.
- (9) ASTM D129-00 (Reapproved 2005), Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §60.4415(a)(1)(i).
- (10) ASTM D240-76, 92, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved for §§60.46(c), 60.296(b), and Appendix A: Method 19, Section 12.5.2.2.3.
- (11) ASTM D270-65, 75, Standard Method of Sampling Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.1.
- (12) ASTM D323-82, 94, Test Method for Vapor Pressure of Petroleum Products (Reid Method), IBR approved for §§60.111(l), 60.111a(g), 60.111b(g), and 60.116b(f)(2)(ii).
- (13) ASTM D388-77, 90, 91, 95, 98a, 99 (Reapproved 2004)<sup>e1</sup>, Standard Specification for Classification of Coals by Rank, IBR approved for §§60.24(h)(8), 60.41 of subpart D of this part, 60.45(f)(4)(i), 60.45(f)(4)(ii), 60.45(f)(4)(vi), 60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, and 60.4102.
- (14) ASTM D388-77, 90, 91, 95, 98a, Standard Specification for Classification of Coals by Rank, IBR approved for §§60.251(b) and (c) of subpart Y of this part.

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- (15) ASTM D396–78, 89, 90, 92, 96, 98, Standard Specification for Fuel Oils, IBR approved for §§60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, 60.111(b) of subpart K of this part, and 60.111a(b) of subpart Ka of this part.
- (16) ASTM D975–78, 96, 98a, Standard Specification for Diesel Fuel Oils, IBR approved for §§60.111(b) of subpart K of this part and 60.111a(b) of subpart Ka of this part.
- (17) ASTM D1072–80, 90 (Reapproved 1994), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved for §60.335(b)(10)(ii).
- (18) ASTM D1072–90 (Reapproved 1999), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved for §60.4415(a)(1)(ii).
- (19) ASTM D1137–53, 75, Standard Method for Analysis of Natural Gases and Related Types of Gaseous Mixtures by the Mass Spectrometer, IBR approved for §60.45(f)(5)(i).
- (20) ASTM D1193–77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 5, Section 7.1.3; Method 5E, Section 7.2.1; Method 5F, Section 7.2.1; Method 6, Section 7.1.1; Method 7, Section 7.1.1; Method 7C, Section 7.1.1; Method 7D, Section 7.1.1; Method 10A, Section 7.1.1; Method 11, Section 7.1.3; Method 12, Section 7.1.3; Method 13A, Section 7.1.2; Method 26, Section 7.1.2; Method 26A, Section 7.1.2; and Method 29, Section 7.2.2.
- (21) ASTM D1266–87, 91, 98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), IBR approved for §§60.106(j)(2) and 60.335(b)(10)(i).
- (22) ASTM D1266–98 (Reapproved 2003)e1, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), IBR approved for §60.4415(a)(1)(i).
- (23) ASTM D1475–60 (Reapproved 1980), 90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for §60.435(d)(1), Appendix A: Method 24, Section 6.1; and Method 24A, Sections 6.5 and 7.1.
- (24) ASTM D1552–83, 95, 01, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), IBR approved for §§60.106(j)(2), 60.335(b)(10)(i), and Appendix A: Method 19, Section 12.5.2.2.3.
- (25) ASTM D1552–03, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), IBR approved for §60.4415(a)(1)(i).
- (26) ASTM D1826–77, 94, Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter, IBR approved for §§60.45(f)(5)(ii), 60.46(c)(2), 60.296(b)(3), and Appendix A: Method 19, Section 12.3.2.4.
- (27) ASTM D1835–87, 91, 97, 03a, Standard Specification for Liquefied Petroleum (LP) Gases, IBR approved for §§60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, and 60.41c of subpart Dc of this part.
- (28) ASTM D1945–64, 76, 91, 96, Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved for §60.45(f)(5)(i).
- (29) ASTM D1946–77, 90 (Reapproved 1994), Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for §§60.18(f)(3), 60.45(f)(5)(i), 60.564(f)(1), 60.614(e)(2)(ii), 60.614(e)(4), 60.664(e)(2)(ii), 60.664(e)(4), 60.704(d)(2)(ii), and 60.704(d)(4).
- (30) ASTM D2013–72, 86, Standard Method of Preparing Coal Samples for Analysis, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.
- (31) ASTM D2015–77 (Reapproved 1978), 96, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved for §60.45(f)(5)(ii), 60.46(c)(2), and Appendix A: Method 19, Section 12.5.2.1.3.
- (32) ASTM D2016–74, 83, Standard Test Methods for Moisture Content of Wood, IBR approved for Appendix A: Method 28, Section 16.1.1.
- (33) ASTM D2234–76, 96, 97b, 98, Standard Methods for Collection of a Gross Sample of Coal, IBR approved for Appendix A: Method 19, Section 12.5.2.1.1.
- (34) ASTM D2369–81, 87, 90, 92, 93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for Appendix A: Method 24, Section 6.2.

- (35) ASTM D2382–76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for §§60.18(f)(3), 60.485(g)(6), 60.485a(g)(6), 60.564(f)(3), 60.614(e)(4), 60.664(e)(4), and 60.704(d)(4).
- (36) ASTM D2504–67, 77, 88 (Reapproved 1993), Noncondensable Gases in C3 and Lighter Hydrocarbon Products by Gas Chromatography, IBR approved for §§60.485(g)(5) and 60.485a(g)(5).
- (37) ASTM D2584–68 (Reapproved 1985), 94, Standard Test Method for Ignition Loss of Cured Reinforced Resins, IBR approved for §60.685(c)(3)(i).
- (38) ASTM D2597–94 (Reapproved 1999), Standard Test Method for Analysis of Demethanized Hydrocarbon Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography, IBR approved for §60.335(b)(9)(i).
- (39) ASTM D2622–87, 94, 98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §§60.106(j)(2) and 60.335(b)(10)(i).
- (40) ASTM D2622–05, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.4415(a)(1)(i).
- (41) ASTM D2879–83, 96, 97, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for §§60.111b(f)(3), 60.116b(e)(3)(ii), 60.116b(f)(2)(i), 60.485(e)(1), and 60.485a(e)(1).
- (42) ASTM D2880–78, 96, Standard Specification for Gas Turbine Fuel Oils, IBR approved for §§60.111(b), 60.111a(b), and 60.335(d).
- (43) ASTM D2908–74, 91, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, IBR approved for §60.564(j).
- (44) ASTM D2986–71, 78, 95a, Standard Method for Evaluation of Air, Assay Media by the Monodisperse DOP (Diocyl Phthalate) Smoke Test, IBR approved for Appendix A: Method 5, Section 7.1.1; Method 12, Section 7.1.1; and Method 13A, Section 7.1.1.2.
- (45) ASTM D3173–73, 87, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.
- (46) ASTM D3176–74, 89, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved for §60.45(f)(5)(i) and Appendix A: Method 19, Section 12.3.2.3.
- (47) ASTM D3177–75, 89, Standard Test Method for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.
- (48) ASTM D3178–73 (Reapproved 1979), 89, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved for §60.45(f)(5)(i).
- (49) ASTM D3246–81, 92, 96, Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved for §60.335(b)(10)(ii).
- (50) ASTM D3246–05, Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved for §60.4415(a)(1)(ii).
- (51) ASTM D3270–73T, 80, 91, 95, Standard Test Methods for Analysis for Fluoride Content of the Atmosphere and Plant Tissues (Semiautomated Method), IBR approved for Appendix A: Method 13A, Section 16.1.
- (52) ASTM D3286–85, 96, Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.
- (53) ASTM D3370–76, 95a, Standard Practices for Sampling Water, IBR approved for §60.564(j).
- (54) ASTM D3792–79, 91, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for Appendix A: Method 24, Section 6.3.
- (55) ASTM D4017–81, 90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for Appendix A: Method 24, Section 6.4.
- (56) ASTM D4057–81, 95, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.3.

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- (57) ASTM D4057–95 (Reapproved 2000), Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for §60.4415(a)(1).
- (58) ASTM D4084–82, 94, Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved for §60.334(h)(1).
- (59) ASTM D4084–05, Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved for §§60.4360 and 60.4415(a)(1)(ii).
- (60) ASTM D4177–95, Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.1.
- (61) ASTM D4177–95 (Reapproved 2000), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for §60.4415(a)(1).
- (62) ASTM D4239–85, 94, 97, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.
- (63) ASTM D4294–02, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.335(b)(10)(i).
- (64) ASTM D4294–03, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.4415(a)(1)(i).
- (65) ASTM D4442–84, 92, Standard Test Methods for Direct Moisture Content Measurement in Wood and Wood-base Materials, IBR approved for Appendix A: Method 28, Section 16.1.1.
- (66) ASTM D4444–92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters, IBR approved for Appendix A: Method 28, Section 16.1.1.
- (67) ASTM D4457–85 (Reapproved 1991), Test Method for Determination of Dichloromethane and 1, 1, 1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph, IBR approved for Appendix A: Method 24, Section 6.5.
- (68) ASTM D4468–85 (Reapproved 2000), Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry, IBR approved for §§60.335(b)(10)(ii) and 60.4415(a)(1)(ii).
- (69) ASTM D4629–02, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection, IBR approved for §§60.49b(e) and 60.335(b)(9)(i).
- (70) ASTM D4809–95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for §§60.18(f)(3), 60.485(g)(6), 60.485a(g)(6), 60.564(f)(3), 60.614(d)(4), 60.664(e)(4), and 60.704(d)(4).
- (71) ASTM D4810–88 (Reapproved 1999), Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length of Stain Detector Tubes, IBR approved for §§60.4360 and 60.4415(a)(1)(ii).
- (72) ASTM D5287–97 (Reapproved 2002), Standard Practice for Automatic Sampling of Gaseous Fuels, IBR approved for §60.4415(a)(1).
- (73) ASTM D5403–93, Standard Test Methods for Volatile Content of Radiation Curable Materials, IBR approved for Appendix A: Method 24, Section 6.6.
- (74) ASTM D5453–00, Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence, IBR approved for §60.335(b)(10)(i).
- (75) ASTM D5453–05, Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence, IBR approved for §60.4415(a)(1)(i).
- (76) ASTM D5504–01, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence, IBR approved for §§60.334(h)(1) and 60.4360.
- (77) ASTM D5762–02, Standard Test Method for Nitrogen in Petroleum and Petroleum Products by Boat-Inlet Chemiluminescence, IBR approved for §60.335(b)(9)(i).
- (78) ASTM D5865–98, Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for §60.45(f)(5)(ii), 60.46(c)(2), and Appendix A: Method 19, Section 12.5.2.1.3.



- (79) ASTM D6216–98, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, IBR approved for Appendix B, Performance Specification 1.
- (80) ASTM D6228–98, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §60.334(h)(1).
- (81) ASTM D6228–98 (Reapproved 2003), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §§60.4360 and 60.4415.
- (82) ASTM D6348–03, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, IBR approved for table 7 of Subpart IIII of this part and table 2 of subpart JJJJ of this part.
- (83) ASTM D6366–99, Standard Test Method for Total Trace Nitrogen and Its Derivatives in Liquid Aromatic Hydrocarbons by Oxidative Combustion and Electrochemical Detection, IBR approved for §60.335(b)(9)(i).
- (84) ASTM D6420–99 (Reapproved 2004) Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for table 2 of subpart JJJJ of this part.
- (85) ASTM D6522–00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for §60.335(a).
- (86) ASTM D6522–00 (Reapproved 2005), Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for table 2 of subpart JJJJ of this part.
- (87) ASTM D6667–01, Standard Test Method for Determination of Total Volatile Sulfur in Gaseous Hydrocarbons and Liquefied Petroleum Gases by Ultraviolet Fluorescence, IBR approved for §60.335(b)(10)(ii).
- (88) ASTM D6667–04, Standard Test Method for Determination of Total Volatile Sulfur in Gaseous Hydrocarbons and Liquefied Petroleum Gases by Ultraviolet Fluorescence, IBR approved for §60.4415(a)(1)(ii).
- (89) ASTM D6784–02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), IBR approved for Appendix B to part 60, Performance Specification 12A, Section 8.6.2.
- (90) ASTM E168–67, 77, 92, General Techniques of Infrared Quantitative Analysis, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).
- (91) ASTM E169–63, 77, 93, General Techniques of Ultraviolet Quantitative Analysis, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).
- (92) ASTM E260–73, 91, 96, General Gas Chromatography Procedures, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).
- (b) The following material is available for purchase from the Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, VA 22209.
- (1) AOAC Method 9, Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11–12, IBR approved January 27, 1983 for §§60.204(b)(3), 60.214(b)(3), 60.224(b)(3), 60.234(b)(3).
- (c) The following material is available for purchase from the American Petroleum Institute, 1220 L Street NW., Washington, DC 20005.
- (1) API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980, IBR approved January 27, 1983, for §§60.111(i), 60.111a(f), 60.111a(f)(1) and 60.116b(e)(2)(i).
- (d) The following material is available for purchase from the Technical Association of the Pulp and Paper Industry (TAPPI), Dunwoody Park, Atlanta, GA 30341.
- (1) TAPPI Method T624 os–68, IBR approved January 27, 1983 for §60.285(d)(3).
- (e) The following material is available for purchase from the Water Pollution Control Federation (WPCF), 2626 Pennsylvania Avenue NW., Washington, DC 20037.

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- (1) Method 209A, Total Residue Dried at 103–105 °C, in Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1980, IBR approved February 25, 1985 for §60.683(b).
- (f) The following material is available for purchase from the following address: Underwriter's Laboratories, Inc. (UL), 333 Pfingsten Road, Northbrook, IL 60062.
  - (1) UL 103, Sixth Edition revised as of September 3, 1986, Standard for Chimneys, Factory-built, Residential Type and Building Heating Appliance.
- (g) The following material is available for purchase from the following address: West Coast Lumber Inspection Bureau, 6980 SW. Barnes Road, Portland, OR 97223.
  - (1) West Coast Lumber Standard Grading Rules No. 16, pages 5–21 and 90 and 91, September 3, 1970, revised 1984.
- (h) The following material is available for purchase from the American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990.
  - (1) ASME QRO–1–1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators, IBR approved for §§60.56a, 60.54b(a), 60.54b(b), 60.1185(a), 60.1185(c)(2), 60.1675(a), and 60.1675(c)(2).
  - (2) ASME PTC 4.1–1964 (Reaffirmed 1991), Power Test Codes: Test Code for Steam Generating Units (with 1968 and 1969 Addenda), IBR approved for §§60.46b of subpart Db of this part, 60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)(3) and 60.1810(a)(3).
  - (3) ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971), IBR approved for §§60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)(4), and 60.1810(a)(4).
  - (4) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], IBR approved for Tables 1 and 3 of subpart EEEE, Tables 2 and 4 of subpart FFFF, Table 2 of subpart JJJJ, and §§60.4415(a)(2) and 60.4415(a)(3) of subpart KKKK of this part.
- (i) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW–846 Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996). This document may be obtained from the U.S. EPA, Office of Solid Waste and Emergency Response, Waste Characterization Branch, Washington, DC 20460, and is incorporated by reference for appendix A to part 60, Method 29, Sections 7.5.34; 9.2.1; 9.2.3; 10.2; 10.3; 11.1.1; 11.1.3; 13.2.1; 13.2.2; 13.3.1; and Table 29–3.
- (j) “Standard Methods for the Examination of Water and Wastewater,” 16th edition, 1985. Method 303F: “Determination of Mercury by the Cold Vapor Technique.” This document may be obtained from the American Public Health Association, 1015 18th Street, NW., Washington, DC 20036, and is incorporated by reference for appendix A to part 60, Method 29, Sections 9.2.3; 10.3; and 11.1.3.
- (k) This material is available for purchase from the American Hospital Association (AHA) Service, Inc., Post Office Box 92683, Chicago, Illinois 60675–2683. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A–91–61, Item IV–J–124), Room M–1500, 1200 Pennsylvania Ave., NW., Washington, DC.
  - (1) An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities. American Society for Health Care Environmental Services of the American Hospital Association. Chicago, Illinois. 1993. AHA Catalog No. 057007. ISBN 0–87258–673–5. IBR approved for §60.35e and §60.55c.
- (l) This material is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A–91–61, Item IV–J–125), Room M–1500, 1200 Pennsylvania Ave., NW., Washington, DC.
  - (1) OMB Bulletin No. 93–17: Revised Statistical Definitions for Metropolitan Areas. Office of Management and Budget, June 30, 1993. NTIS No. PB 93–192–664. IBR approved for §60.31e.
- (m) This material is available for purchase from at least one of the following addresses: The Gas Processors Association, 6526 East 60th Street, Tulsa, OK, 74145; or Information Handling Services, 15 Inverness Way East, PO Box 1154, Englewood, CO 80150–1154. You may inspect a copy at EPA's Air and Radiation Docket and Information Center, Room B108, 1301 Constitution Ave., NW., Washington, DC 20460.
  - (1) Gas Processors Association Method 2377–86, Test for Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tubes, IBR approved for §§60.334(h)(1), 60.4360, and 60.4415(a)(1)(ii).
  - (2) [Reserved]

- (n) This material is available for purchase from IHS Inc., 15 Inverness Way East, Englewood, CO 80112.
  - (1) International Organization for Standards 8178–4: 1996(E), Reciprocating Internal Combustion Engines—Exhaust Emission Measurement—Part 4: Test Cycles for Different Engine Applications, IBR approved for §60.4241(b).
  - (2) [Reserved]

[48 FR 3735, Jan. 27, 1983]

**Editorial Note:** For Federal Register citations affecting §60.17, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 60.18 General control device requirements.**

- (a) *Introduction.* This section contains requirements for control devices used to comply with applicable subparts of parts 60 and 61. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.
- (b) *Flares.* Paragraphs (c) through (f) apply to flares.
- (c)
  - (1) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
  - (2) Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f).
  - (3) An owner/operator has the choice of adhering to either the heat content specifications in paragraph (c)(3)(ii) of this section and the maximum tip velocity specifications in paragraph (c)(4) of this section, or adhering to the requirements in paragraph (c)(3)(i) of this section.
    - (i)
      - (A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume), or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity,  $V_{max}$ , as determined by the following equation:

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

Where:

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

$K_1$  = Constant, 6.0 volume-percent hydrogen.

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

$X_{H2}$  = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946–77. (Incorporated by reference as specified in §60.17).

- (B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (f)(4) of this section.
  - (ii) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f)(3) of this section.
- (4)
  - (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4) of this section, less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (c)(4) (ii) and (iii) of this section.
  - (ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

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- (iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), less than the velocity,  $V_{max}$ , as determined by the method specified in paragraph (f)(5), and less than 122 m/sec (400 ft/sec) are allowed.
- (5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity,  $V_{max}$ , as determined by the method specified in paragraph (f)(6).
- (6) Flares used to comply with this section shall be steam-assisted, air-assisted, or nonassisted.
- (d) Owners or operators of flares used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.
- (e) Flares used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.
- (f)
  - (1) Method 22 of appendix A to this part shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.
  - (2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
  - (3) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

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

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where:

$H_T$  = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of off gas 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;

$$K = \text{Constant} \cdot \left(\frac{1}{\text{ppm}}\right) \left(\frac{\text{g mole}}{\text{scm}}\right) \left(\frac{\text{MJ}}{\text{kcal}}\right)$$

where the standard temperature for  $\left(\frac{\text{g mole}}{\text{scm}}\right)$  is 20°C;

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$C_i$  = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946–77 or 90 (Reapproved 1994) (Incorporated by reference as specified in §60.17); and

$H_i$  = Net heat of combustion of sample component i, kcal/g mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809–95 (incorporated by reference as specified in §60.17) if published values are not available or cannot be calculated.

- (4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.
- (5) The maximum permitted velocity,  $V_{max}$ , for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation.

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

$V_{max}$  = Maximum permitted velocity, M/sec

28.8 = Constant

31.7 = Constant

$H_T$  = The net heating value as determined in paragraph (f)(3).

- (6) The maximum permitted velocity,  $V_{max}$ , for air-assisted flares shall be determined by the following equation.

$$V_{\max} = 8.706 + 0.7084 (H_T)$$

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

8.706 = Constant

0.7084 = Constant

$H_T$  = The net heating value as determined in paragraph (f)(3).

[51 FR 2701, Jan. 21, 1986, as amended at 63 FR 24444, May 4, 1998; 65 FR 61752, Oct. 17, 2000]

**§ 60.19 General notification and reporting requirements.**

- (a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word “calendar” is absent; unless otherwise specified in an applicable requirement.
- (b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.
- (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (f)
  - (1)
    - (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.
    - (ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
  - (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall

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

- (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
- (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

[59 FR 12428, Mar. 16, 1994, as amended at 64 FR 7463, Feb. 12, 1998]