Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

February 11, 2004

Mr. E. O. Morris
Vice President
Cargill Fertilizer, Inc.
8813 Highway 41 South
Riverview, FL 33569

Re: Title V Air Operation Permit Revision
Proposed Permit Project No.: 1050046-016-AV
Revision to Title V Air Operation Permit No.: 1050046-003-AV
Bartow Plant

Dear Mr. Morris:

One copy of the "PROPOSED Determination" for the revision of the Title V Air Operation Permit for the Tampa Plant located at 8813 U.S. Highway 41 South, Riverview, Hillsborough County, is enclosed. This letter is a courtesy to inform you that the DRAFT Permits 1050046-016-AV and 1050046-014-AV have become the PROPOSED Permit.

An electronic version of this determination has been posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

" **http://www.dep.state.fl.us/air/permitting/airpermits/AirSearch_ltd.asp** ".

Pursuant to Section 403.0872(6), Florida Statutes, if no objection to the PROPOSED Permit is made by the USEPA within 45 days, the PROPOSED Permit will become the FINAL Permit no later than 55 days after the date on which the PROPOSED Permit was mailed (posted) to USEPA. If USEPA has an objection to the PROPOSED Permit, the FINAL Permit will not be issued until the permitting authority receives written notice that the objection is resolved or withdrawn.

If you should have any questions, please contact Mr. Bobby Bull at 850-921-9585 or Robert.Bull@dep.state.fl.us.

Sincerely,

Trina L. Vielhauer

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/rlb
Enclosures
copy furnished to:
Mr. Jason Waters, FDEP, SWD
Mr. David Buff, P.E., Golder Associates Inc.
Ms. Debra Waters, Cargill Bartow Plant
USEPA, Region 4 (INTERNET E-mail Memorandum)

PROPOSED Determination
Title V Air Operation Permit Revision
PROPOSED Permit Project No.: 1050046-016-AV

I. Public Notice.

Two separate "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION" to Cargill Fertilizer, Inc. for the Bartow Plant located at 3200 Highway 60 West, Bartow, Hillsborough County were clerked on September 4, 2001 and May 15, 2002. The two separate "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION" were published on September 19, 2001 and May 31, 2002, respectively, and proofs of publication were received. The DRAFT Permits were available for public inspection at the FDEP Southwest District Air Program Office in Tampa.

II. Public Comments.

Comments were received from the applicant during the 30 (thirty) day public comment period. The Department will list each letter in the chronological order of receipt and will respond to each comment in the order that the comment was stated in the letter. The comment(s) will not be restated. Where duplicate comments exist, the original response will be referenced.

A. Mailed comments from Mr. E.O. Morris of Cargill Fertilizer, Inc. were sent on June 11, 2002 and received on June 12, 2002, and the draft permit was changed.

1. Response:
No Change. In Section I.A., the applicant states that they are not major for Hazardous Air Pollutants (HAPs), referring to a letter sent on June 7, 2002. The applicant has not demonstrated reasonable assurance that the facility is not a major source of HAPs. At this time the Department believes the applicant is a major source for HAPs.

2. Response:
As a result of these comments, Specifc Condition D.1. is hereby changed:

From: D.1. Capacity. The maximum production rate of the Nos. 4 and 5 Phosphoric Acid Plants (combined) shall not exceed 170.0 tons P_2O_5 per hour of equivalent P_2O_5 feed[(1)] rate.

To: D.1. Capacity. The maximum production rate of the Nos. 4 and 5 Phosphoric Acid Plants (combined) shall not exceed 170.0 tons P_2O_5 per hour of equivalent P_2O_5 feed[(1)] rate and may operate 8760 hours per year.

3. Response
These changes may be addressed at Permit Renewal.

4. Response:
These changes may be addressed at Permit Renewal.

5. Response:
EPA Region IV determined the Memorandum of Understading will not be deemed federally enforceable. The MOU will remain not federally enforceable.

6. Response:
These changes will be addressed at Permit Renewal.

III. Conclusion.

The Department rejected the permittee's rescission of their initial notification and determined that the facility is a major source of hazardous air pollutants. This permit retains the applicable subparts to which the permittee objected. The DRAFT Permits were merged into one PROPOSED Permit. In addition, several typographical errors were corrected. These changes were not considered significant enough to reissue the DRAFT Permit and require another Public Notice. The permitting authority hereby issues the PROPOSED Permit, with the changes as noted above.

STATEMENT OF BASIS

Cargill Fertilizer, Inc.
Bartow Facility
Facility ID No.: 1050046
Polk County

PROPOSED Permit Revision No. 1050046-016-AV
(Initial Title V Permit No. 1050046-003-AV)

The initial Title V Air Operation Permit No. 1050046-003-AV, was issued/effective on October 6, 1998. This Title V Air Operation Permit Revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

This PROPOSED revision to the Title V operation permit is to incorporate the requirements of the NESHAP, 40 CFR 63, Subparts A, AA and BB (Draft Permit Project No. 1050046-014-AV), and to incorporate the requirements from the Air Construction Permit 1050046-013-AC/PSD-FL-295 (Draft Permit Project 1050046-016-AV). The changes as a result are as follow:

1. Revise Section III., Subsection D., to incorporate conditions from the Air Construction Permit 1050046-013-AC/PSD-FL-295;
2. Revise Table 1-1, to incorporate conditions from the Air Construction Permit 1050046-013-AC/PSD-FL-295;
3. Revise the above mentioned section and tables as well as Section I, Section II (pages 4, 7, 9, 10), Section III, Subsections A, B, C, E, F, G, H to correct typographical errors;
4. Replace Appendix TV-3 with updated Appendix TV-4.

This facility consists of two phosphoric acid plants, one diammonium phosphate (DAP) plant, one monoammonium phosphate (MAP)/DAP plant, three sulfuric acid plants, two fertilizer shipping plants, one standby boiler, and a molten sulfur storage and handling system.

Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Based on the initial notification requirements of 40 CFR 63, Subparts AA and BB, this facility is a major source of hazardous air pollutants (HAPs).

Appendix U-1, List of Unregulated Emissions Units and/or Activities.

Cargill Fertilizer, Inc. **PROPOSED Permit No.:** 1050046-016-AV
Bartow Facility **Facility ID No.:** 1050046

Unregulated Emissions Units and/or Activities. An emissions unit which emits no "emissions-limited pollutant" and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The below listed emissions units and/or activities are neither 'regulated emissions units' nor 'insignificant emissions units'.

E.U. ID No.	Brief Description of Emissions Units and/or Activity
	Fertilizer Plants
-053	Screens, lump crushers, chain mills, grinding mills, conveyor belts
-053	Reclaim Elevator, seed hopper and elevator
-053	Pond water sumps
-053	Ammonia chillers
-053	Product Recovery Units
-053	Phosphoric acid truck unloading
-053	Process storage tanks and product storage buildings/area
-053	Cooling towers and process water pond
	Shipping Plants
-053	Covered conveyor, surge bin, product screens, scale belt, chute to rail car
	Molten Sulfur Handling
-053	Truck/rail unloading area
-053	Molten sulfur storage tank fires
	Sulfuric Acid Plants
-053	Hot water reuse tank
-053	Economizers
-053	Water reuse, uncontaminated water storage, condensate tanks for Evaporators
-053	Auxiliary power diesel generators
-053	Auxiliary power generator diesel tank
-053	Storage tanks
-053	Sulfuric acid truck loading
	Phosphoric Acid Plants
-053	Fluosilicic acid truck loading
-053	Wet rock hoppers and grinding mills
-053	Flash cooler hotwells
-053	Process and product storage tanks
-053	3, 4, 5 Filters (unevacuated area)
-053	Unpermitted crossflow packed scrubbers
-053	Flash coolers, vacuum pumps, seal pumps, seal tanks
-053	Lamellas

E.U. ID No.	Brief Description of Emissions Units and/or Activity
-053	Phosphoric acid truck unloading/loading -- North Unit and South Units
	Wet Rock Handling
-053	Train/truck unloading, hoppers, conveyors, wet rock stacking on pile
	Ammonia Handling
-053	Pipeline, truck unloading, bullets, pop off valves, and flare
	Facilitywide
-053	Safety kleen solvent cleaners
-053	Supersucker
-053	Sand blasters, welding equipment, compressors, wood shop, metal shop
-053	Refrigerators < 50 lbs of refrigerant
-053	Storage tanks and dispensers
-053	Wastewater plants (2), drinking water treatment area
-053	Laboratory and vents, pressure relief valves
-053	Lime silo with baghouse
-053	Turbogenerators (TG1 + TG2)
-053	Laboratory vacuum pump, space heaters
-053	#1 Deepwell diesel tank and backup engine
-053	Locomotive engines
-053	South stack diesel tank
-053	Minor fugitive leaks from process equipment
-053	Steam relief valves--plantwide

Appendix H-1, Permit History/ID Number Changes

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No.: 1050046-016-AV
Facility ID No.: 1050046

Permit History (for tracking purposes):

E.U. ID No.	Description	Permit No.	Issue Date	Expiration Date	Extended Date[1, 2]	Revised Date(s)
-001	Ammonium Phosphate Fertilizer Plant	AC53-5028	04/30/76	11/30/76		
		AC53-5110	01/04/77	12/30/77		
		AC53-6017	03/27/78	08/30/78		
		AC53-42443	08/04/81	12/31/82		8/27/81
		AO53-169781	12/22/89	12/22/94		
-002	No. 4 Fertilizer Shipping Plant	AC53-36672	02/25/81	10/01/82		
		AO53-167640	09/26/89	09/26/94		
		AC53-239194	04/01/94	12/31/94	08/31/96	
-004	No. 3 Fertilizer Shipping Plant	AO53-185367	09/18/90	09/18/95		
		Amendment	10/13/93	09/18/95		
		Amendment	11/10/94	09/18/95		

Notes:
1 - AO permit(s) automatic extension(s) in Rule 62-210.300(2)(a)3.a., F.A.C., effective 03/21/96.
2 - AC permit(s) automatic extension(s) in Rule 62-213.420(1)(a)4., F.A.C., effective 03/20/96.
{Rule 62-213.420(1)(b)2., F.A.C., effective 03/20/96, allows Title V Sources to operate under existing valid permits}
Not included in this table: Operating permits issued prior to 1988, ownership transfers, and construction permit time extensions for expired construction permits.

Appendix H-1, Permit History/ID Number Changes

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No.: 1050046-016-AV
Facility ID No.: 1050046

-010	No. 4 Phosphoric Acid Plant	AO53-167775	11/15/89	10/14/94		
		Amendment	01/20/94	10/14/94		
		AC53-253092	10/06/94	12/15/96		
		AC53-262532/ PSD-FL-224	08/24/95	12/31/97		
-012, 032, 033	Nos. 4, 5, and 6 Sulfuric Acid Plant	AO53-167885	10/19/89	10/13/94		
		Amendment	07/02/92	10/13/94		
		AC53-216288/ PSD-FL-191	01/05/92	01/01/94		04/01/94
		AO53-243295	05/10/94	05/09/99		
		AC53-271436/ PSD-FL-229	11/16/95	10/31/98		

Notes:
1 - AO permit(s) automatic extension(s) in Rule 62-210.300(2)(a)3.a., F.A.C., effective 03/21/96.
2 - AC permit(s) automatic extension(s) in Rule 62-213.420(1)(a)4., F.A.C., effective 03/20/96.
{Rule 62-213.420(1)(b)2., F.A.C., effective 03/20/96, allows Title V Sources to operate under existing valid permits}
Not included in this table: Operating permits issued prior to 1988, ownership transfers, and construction permit time extensions for expired construction permits.

Appendix H-1, Permit History/ID Number Changes

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No.: 1050046-016-AV
Facility ID No.: 1050046

-021	Diammonium Phosphate Fertilizer Plant	AC53-24460	07/03/80	12/31/82	06/30/82
		Amendment	11/17/82	12/31/82	
		AO53-82350	09/21/84	09/14/89	
		Amendment	05/10/88	09/14/89	
		AO53-167639	11/16/89	10/1794	
		AC53-246403/ PSD-Fl-211	11/21/94	06/02/95	
-034	No. 5 Phosphoric Acid Plant	AC53-2650	07/22/75	02/15/77	
		AC53-173936	04/03/90	09/01/90	
		AO53-185774	11/09/90	11/09/95	
		AO53-185774A	08/31/94	11/09/95	
		AC53-262532/ PSD-FL-224	08/24/95	12/31/97	

Notes:

1 - AO permit(s) automatic extension(s) in Rule 62-210.300(2)(a)3.a., F.A.C., effective 03/21/96.

2 - AC permit(s) automatic extension(s) in Rule 62-213.420(1)(a)4., F.A.C., effective 03/20/96.

{Rule 62-213.420(1)(b)2., F.A.C., effective 03/20/96, allows Title V Sources to operate under existing valid permits}

Not included in this table: Operating permits issued prior to 1988, ownership transfers, and construction permit time extensions for expired construction permits.

Appendix H-1, Permit History/ID Number Changes

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No.: 1050046-016-AV
Facility ID No.: 1050046

-045, 046, 047, 048 049, 050	Molten Sulfur Unloading Storage and Handling System	AC53-174175	08/17/90	01/01/91	
		AO53-188627	01/17/91	01/18/96	
		AC53-216256	08/28/92	08/25/93	02/25/94
		AO53-188627A	12/22/93	01/18/96	
		AC53-271436/ PSD-FL-229	11/16/95	10/31/98	
-051	Cleaver Brooks Package Watertube Boiler	AC53-221062	03/18/93	06/30/93	
		AO53-229393	04/26/93	04/21/98	

ID Number Changes (for tracking purposes):

From: **Facility ID No.**: 40TPA530046

To: **Facility ID No.**: 1050046

Notes:
1 - AO permit(s) automatic extension(s) in Rule 62-210.300(2)(a)3.a., F.A.C., effective 03/21/96.
2 - AC permit(s) automatic extension(s) in Rule 62-213.420(1)(a)4., F.A.C., effective 03/20/96.
{Rule 62-213.420(1)(b)2., F.A.C., effective 03/20/96, allows Title V Sources to operate under existing valid permits}
Not included in this table: Operating permits issued prior to 1988, ownership transfers, and construction permit time extensions for expired construction permits.

Table 1-1, Summary of Air Pollutant Standards and Terms

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003_AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No. Brief Description

-001 Ammonium Phosphate Fertilizer Plant
-002 No. 4 Fertilizer Shipping Plant
-004 No. 3 Fertilizer Shipping Plant
-010 Phosphoric Acid Plant (No. 4 -- V-Train, No. 5 -- U-Train)

				Allowable Emissions			Equivalent Emissions*		Regulatory	See Permit
E.U. ID No.	Pollutant Name	Fuel(s)	Hours/Yr	Standard(s)	lbs./hour	TPY	lbs./hour	TPY	Citation(s)	Condition(s)
-001	F (Fluoride)		8,760	0.06 lbs/ton of P_2O_5, 1.8 lb/hr	1.8		1.8	7.9	62-296.403(1), F.A.C./EBA/ 40 CFR 63.622(a)	III. A.3.
	PM		8,760	30.0 lbs/hr, RACT	30.0		30.0	131.4	62-296.700(2)(b), F.A.C./EBA	III. A.4.
	VE	gas/oil	N/A	20% opacity	N/A	N/A	N/A	N/A	62-296.320(4)(b), F.A.C.	III. A.5.
	SO_2	Fuel oil	8,760	2.4% Sulfur by weight			76.9	336.8	62-213.440(1), F.A.C./EBA	III. A.2.
-002	PM		6,000	0.03 grains/dscf			10.54	31.6	AC53-239194 BACT Determination 01/02/81.	III. B.3.
	VE		N/A	20% opacity (scrubber dust control system)	N/A	N/A	N/A	N/A	62-296.320(4)(b), F.A.C. BACT Determination 01/02/81.	III. B.4.
	VE		N/A	5% opacity (dust suppressant)	N/A	N/A	N/A	N/A	AC53-239194/EBA	III. B.5.
-004	PM		6,000	12.0 lbs/hr, 12 tons/yr	12.0	12.0	12.0	12.0	62-296.700(2)(b), F.A.C./EBA	III. C.3.
	VE		N/A	20% opacity	N/A	N/A	N/A	N/A	62-296.320(4)(b), F.A.C.	III. C.4.
	VE		N/A	5% opacity (dust suppressant)	N/A	N/A	N/A	N/A	62-4.070(3), F.A.C./EBA	III. C.5.
-010	F (Fluoride)		8,760	2.04 lbs/hr, 0.012 lb/ton equiv. of P_2O_5	2.04	N/A	2.29	8.93	1050046-013-AC/PSD-FL-295	III. D.2.
	*Prior to the date that the initial performance test is completed per 40 CFR 63, Subpart AA.			0.01 lbs/ton**			1.7	7.4	40 CFR 63.602(b)(1)	III.D.2.
	**On and after the date that the initial performance test is completed per 40 CFR 63, Subpart AA.									

Notes: *The "Equivalent Emissions" listed are for informational purposes only.
N/A: Not Applicable EBA: Established by Applicant

Table 1-1, Summary of Air Pollutant Standards and Terms

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003_AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No. Brief Description
-012 No. 4 Sulfuric Acid Plant

				Allowable Emissions			Equivalent Emissions*		Regulatory	See Permit
E.U. ID No.	Pollutant Name	Fuel(s)	Hours/Yr	Standard(s)	lbs./hour	TPY	lbs./hour	TPY	Citation(s)	Condition(s)
-012	VE		N/A	10% opacity	N/A	N/A	N/A	N/A	62-204.800(7)(b)10,F.A.C., 40 CFR 60.83(a)(2)	III.E.2.
	SO_2		8,760	Lesser of 4.0 lbs/ton of 100% acid produced or 433.3 lbs/hr, or 1898 TPY	433.3	1898	433.3	1898	62-204.800(7)(b)10,F.A.C., AC53-271436/PSD-FL-229, 40 CFR 60.82(a)	III. E.3.
	H_2SO_4 Acid Mist		8,760	Lesser of 0.15 lbs/ton of 100% acid produced or 16.25 lbs/hr, or 71.2 TPY	16.25	71.2	16.25	71.2	62-204.800(7)(b)10,F.A.C., AC53-271436/PSD-FL-229, 40 CFR 60.83(a)(1)	III. E.4.
	NO_x		8,760	Lesser of 0.12 lbs/ton of 100% acid produced or 13.0 lbs/hr, or 57.0 TPY	13.0	57.0	13.0	57.0	AC53-271436/PSD-FL-229	III. E.5.

Notes: *The "Equivalent Emissions" listed are for informational purposes only.
N/A: Not Applicable EBA: Established By Applicant

Table 1-1, Summary of Air Pollutant Standards and Terms

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003_AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No. Brief Description
-032 No. 6 Sulfuric Acid Plant

				Allowable Emissions			Equivalent Emissions*		Regulatory	See Permit
E.U. ID No.	Pollutant Name	Fuel(s)	Hours/Yr	Standard(s)	lbs./hour	TPY	lbs./hour	TPY	Citation(s)	Condition(s)
-032	VE		N/A	10% opacity	N/A	N/A	N/A	N/A	62-204.800(7)(b)10,F.A.C., 40 CFR 60.83(a)(2)	III.E.2.
	SO_2		8,760	Lesser of 4.0 lbs/ton of 100% acid produced or 433.3 lbs/hr, or 1898 TPY	433.3	1898	433.3	1898	62-204.800(7)(b)10,F.A.C., AC53-271436/PSD-FL-229, 40 CFR 60.82(a)	III. E.3.
	H_2SO_4 Acid Mist		8,760	Lesser of 0.15 lbs/ton of 100% acid produced or 16.25 lbs/hr, or 71.2 TPY	16.25	71.2	16.25	71.2	62-204.800(7)(b)10,F.A.C., AC53-271436/PSD-FL-229, 40 CFR 60.83(a)(1)	III. E.4.
	NO_x		8,760	Lesser of 0.12 lbs/ton of 100% acid produced or 13.0 lbs/hr, or 57.0 TPY	13.0	57.0	13.0	57.0	AC53-271436/PSD-FL-229	III. E.5.

Notes: *The "Equivalent Emissions" listed are for informational purposes only.
N/A: Not Applicable EBA: Established By Applicant

Table 1-1, Summary of Air Pollutant Standards and Terms

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003_AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No. Brief Description
-033 No. 5 Sulfuric Acid Plant

				Allowable Emissions			Equivalent Emissions*		Regulatory	See Permit
E.U. ID No.	Pollutant Name	Fuel(s)	Hours/Yr	Standard(s)	lbs./hour	TPY	lbs./hour	TPY	Citation(s)	Condition(s)
-033	VE		N/A	10% opacity	N/A	N/A	N/A	N/A	62-204.800(7)(b)10,F.A.C., 40 CFR 60.83(a)(2)	III.E.2.
	SO_2		8,760	Lesser of 4.0 lbs/ton of 100% acid produced or 433.3 lbs/hr, or 1898 TPY	433.3	1898	433.3	1898	62-204.800(7)(b)10,F.A.C., AC53-271436/PSD-FL-229, 40 CFR 60.82(a)	III. E.3.
	H_2SO_4 Acid Mist		8,760	Lesser of 0.15 lbs/ton of 100% acid produced or 16.25 lbs/hr, or 71.2 TPY	16.25	71.2	16.25	71.2	62-204.800(7)(b)10,F.A.C., AC53-271436/PSD-FL-229, 40 CFR 60.83(a)(1)	III. E.4.
	NO_x		8,760	Lesser of 0.12 lbs/ton of 100% acid produced or 13.0 lbs/hr, or 57.0 TPY	13.0	57.0	13.0	57.0	AC53-271436/PSD-FL-229	III. E.5.

Notes: *The "Equivalent Emissions" listed are for informational purposes only.
N/A: Not Applicable EBA: Established By Applicant

Table 1-1, Summary of Air Pollutant Standards and Terms

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003_AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No.	Brief Description
-021	Diammonium Phosphate Fertilizer Plant
-045	Molten Sulfur System -- Stack 45 from West 200 molten sulfur pit
-046	Molten Sulfur System -- Vent 44 and 44A from 1,000 ton tank
-047	Molten Sulfur System -- Vent 43, 43A, 43B, 43C and 43D from 3,000 ton tank
-050	Molten Sulfur System -- Stack 47 from East 300 ton molten sulfur pit

				Allowable Emissions			Equivalent Emissions*		Regulatory	See Permit
E.U. ID No.	Pollutant Name	Fuel(s)	Hours/Yr	Standard(s)	lbs./hour	TPY	lbs./hour	TPY	Citation(s)	Condition(s)
-021	F (Fluoride)		8,500	0.06 lbs/ton of P_2O_5, 5.50 lb/hr 23.40 TPY	5.50	23.40	5.50	23.40	AC53-246403/PSD-FL-211 40 CFR 60.222 40 CFR 63.622(a)	III. F.4.
	PM		8,500	0.19 lbs/ton of P_2O_5, 22.8 lbs/hr 96.9 TPY	22.8	96.9	22.8	96.9	AC53-246403/PSD-FL-211 BACT Determination 11/21/94	III. F.5.
	VE	gas/oil	N/A	10% opacity	N/A	N/A	N/A	N/A	AC53-246403/PSD-FL-211	III. F.6.
	SO_2	No. 2 fuel oil	8,500	2.4% Sulfur by weight			102.5	37.8	62-213.440(1), F.A.C AC53-246403/PSD-FL-211	III. F.3.
-045, 046 047, 050	VE		N/A	20% opacity	N/A	N/A	N/A	N/A	62-296.411(1)(g), F.A.C.	III. G.2.

Notes: *The "Equivalent Emissions" listed are for informational purposes only.
N/A: Not Applicable EBA: Established by Applicant

Table 1-1, Summary of Air Pollutant Standards and Terms

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003_AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No. Brief Description
-051 Cleaver Brooks Package Watertube Boiler

				Allowable Emissions			Equivalent Emissions*		Regulatory	See Permit
E.U. ID No.	Pollutant Name	Fuel(s)	Hours/Yr	Standard(s)	lbs./hour	TPY	lbs./hour	TPY	Citation(s)	Condition(s)
-051	VE	No. 2 Fuel Oil	N/A	20% opacity except 40% for 2 min/hr	N/A	N/A	N/A	N/A	62-296.406(1), F.A.C.	III. H.3.
	SO_2	Oil	8,760	1.5% Sulfur by weight			165.2	33.2	62-296.406(3), F.A.C. AC53-221062	III. H.2.

Notes: *The "Equivalent Emissions" listed are for informational purposes only.
N/A: Not Applicable EBA: Established by Applicant

Table 2-1, Summary of Compliance Requirements

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003-AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No.	Brief Description
-001	Ammonium Phosphate Fertilizer Plant
-002	No. 4 Fertilizer Shipping Plant

E.U. ID No.	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See Permit Condition(s)
-001	PM		5	annual	11-November	1 hour		III. A.7. & A.8.
	F (Fluoride)***		13A or 13B	annual	11-November	1 hour		III. A.7. & A.8.
*** Note that for Fluorides only, starting no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002, the permittee shall test annually to demonstrate compliance with the applicable emissions standards according to the procedures in 40 CFR 63, Subparts A and BB.								
	VE	Gas/Oil	9	annual	11-November	30 minutes		III. A.7. & A.8.
	SO_2	No. 2 Fuel Oil	fuel analysis, and sampling	annual	11-November			III. A.10.
	Mass flow****							III. A.11.
	Pressure drop****						Yes	III. A.12. & A.14.
	Water flow rate****							III. A.12.
****Note that applicable requirements of 40 CFR Subparts A and BB supercede on or after the date that the initial performance test is completed.								
-002	PM (waivable; see permit conditions B.6 & B.7)		5	annual/ five years	30-June/ 180 days prior to exp. date	1 hour		III. B.6. & B.7.
	VE (no dust supp.)		9	annual	30-June	30 minutes		III. B.6. & B.7.
	VE (dust supp.)		9		30 days of changing dust suppressant	30 minutes		III. B.7. & B.8.
	Pressure drop							III. B.10.
	Water flow rate							III. B.10.
	Scrubber fan amps							

Notes: *Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.
**CMS [=] continuous monitoring system

Table 2-1, Summary of Compliance Requirements

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003-AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No.	Brief Description
-004	No. 3 Fertilizer Shipping Plant
-010	Phosphoric Acid Plant (No. 4 -- V-Train, No. 5 -- U-Train)

E.U. ID No.	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See Permit Condition(s)
-004	PM (waivable; see permit conditions B.6 & B.7)		5	annual/ five years	6-August/ 180 days prior to exp. date	1 hour		III. C.6. & C.7.
	VE		9	annual	6-August	30 minutes		III. C.6. & C.7.
	VE (dust supp.)				within 30 days of changing dust suppressant	30 minutes		III. C.7. & C.8.
	Pressure drop							III. C.10.
	Water flow rate							III. C.10.
	Scrubber fan amps							III. C.10.
-010	F (Fluoride)***		13A or 13B	annual	25-September	1 hour		III. D.3. & D.4.
*** Note that for Fluorides only, starting no later than the compliance date of 40 CFR 63, Subpart AA, June 10, 2002, the permittee shall test annually to demonstrate compliance with the applicable emissions standards according to the procedures in 40 CFR 63, Subparts A and AA.								
	Pressure drop****						Yes	III. D.6. & D.8.
	Water flow rate****							III. D.6.
	Mass flow****							III. D.7. & D.9.
****Note that applicable requirements of 40 CFR Subparts A and AA supercede on or after the date that the initial performance test is completed.								

Notes: *Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.
**CMS [=] continuous monitoring system

Table 2-1, Summary of Compliance Requirements

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003-AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No.	Brief Description
-012	No. 4 Sulfuric Acid Plant
-032	No. 6 Sulfuric Acid Plant
-033	No. 5 Sulfuric Acid Plant
-021	Diammonium Phosphate Fertilizer Plant

E.U. ID No.	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See Permit Condition(s)
-012, 032, 033	VE		9	annual	28-August	1 hour		III. E.6. & E.8.
	SO_2		8	annual	28-August	1 hour	Yes	III. E.6, E.8, & E.11.
	H_2SO_4 acid mist		8	annual	28-August	1 hour		III. E.6. & E.8.
	NO_x		7E	annual	28-August	1 hour		III. E.7. & E.8.
-021	F (Fluoride)***		13A or 13B	annual	5-August	1 hour		III. F.8. & F.9.
*** Note that for Fluorides only, starting no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002, the permittee shall test annually to demonstrate compliance with the applicable emissions standards according to the procedures in 40 CFR 63, Subparts A and BB.								
	PM		5	annual	5-August	1 hour		III. F.8.& F.9.
	VE	Oil/gas	9	annual	5-August	1 hour		III. F.8, F.9., & F.10.
	SO_2	Fuel oil	fuel analysis, and sampling					III. F.11.
	Pressure drop****						Yes	III. F.13. & F.15.
	Water flow rate****							III. F.13.
	Mass flow****							III. F.12. & F.16.
****Note that applicable requirements of 40 CFR Subparts A and BB supercede on or after the date that the initial performance test is completed.								

Notes: *Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.
**CMS [=] continuous monitoring system

Table 2-1, Summary of Compliance Requirements

Cargill Fertilizer, Inc.
Bartow Facility

PROPOSED Permit No. 1050046-016-AV
Initial Title V Permit No. 1050046-003-AV
Facility ID No.: 1050046

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

E.U. ID No.	Brief Description
-045	Molten Sulfur Storage & Handling -- Stack 45 from West 200 ton molten sulfur pit
-046	Molten Sulfur Storage & Handling -- Vent 44 and 44A from 1,000 ton tank
-047	Molten Sulfur Storage & Handling -- Vent 43, 43A, 43B, 43C and 43D from 3,000 ton tank
-050	Molten Sulfur Storage & Handling -- Stack 47 from East 300 ton molten sulfur pit
-051	Cleaver Brooks Package Watertube Boiler

E.U. ID No.	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See Permit Condition(s)
-045, 046, 047, 050	VE		DEP Method 9	five years	180 days prior to exp. date	30 minutes		III. G.4., G.5., & G.6.
-051	VE	oil	9	annual	2-April	1 hour		III. H.4. & H.5.
	VE	gas	9	five years	6 months prior to exp. date	1 hour 1 hour		III. H.5. & H.7.
	SO_2	No. 2 Fuel Oil	fuel analysis, and sampling	annual	2-April			III. H.6.

Notes: *Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.
**CMS [=] continuous monitoring system

Cargill Fertilizer, Inc.
Bartow Facility
Facility ID No.: 1050046
Polk County

Title V Air Operation Permit Revision
PROPOSED Permit No.: 1050046-016-AV
(DEP Draft Projects No. -014 and -016)
Revision to the Title V Air Operation Permit No.: 1050046-003-AV

Permitting Authority:
State of Florida
Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0144
Fax: 850/922-6979

Compliance Authority:
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619
Telephone: 813/744-6100
Fax: 813/744-6458

Title V Air Operation Permit Revision
PROPOSED Permit No.: 1050046-016-AV
(DEP Projects No. -014and -016)
Revision to the Title V Draft Operation Permit No. 1050046-003-AV
Table of Contents

NOTE:
Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.

Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

Permittee:
Cargill Fertilizer, Inc.
8813 Highway 41 South
Riverview, FL 33569

PROPOSED Permit No.: 1050046-016-AV
Revision to Initial Title V Permit No. 1050046-003-AV
Facility ID No.: 1050046
SIC Nos.: 28, 2874, 2819
Project: Title V Air Operation Permit Revision

This permit revision is being issued for the purpose of incorporating the terms and conditions of the air construction permit, No. 1050046-013-AC, and to incorporate the requirements of the NESHAP, 40 CFR 63, Subparts A, AA and BB, at the existing Bartow Plant. This facility is located at 3200 Highway 60 West, Bartow, Polk County; UTM Coordinates: Zone 17, 409.8 km East and 3086.6 km North; and, Latitude: 27° 54' 10" North and Longitude: 81° 54'59" West.

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

Referenced attachments made a part of this permit:
Appendix U-1, List of Unregulated Emissions Units and/or Activities
APPENDIX TV-4, TITLE V CONDITIONS version dated 02/12/02
APPENDIX SS-1, STACK SAMPLING FACILITIES version dated 10/07/96
TABLE 297.310-1, CALIBRATION SCHEDULE version dated 10/07/96
FIGURE 1 - SUMMARY REPORT-GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE REPORT version dated 07/96

Initial Effective Date: October 6,1998
Revision Effective Date: (ARMS Day 55)
Renewal Application Due Date: April 9, 2003
Expiration Date: October 6, 2003

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Michael G. Cooke, Director
Division of Air Resource Management

MC/rlb

Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of one phosphoric acid plant (two trains), one diammonium phosphate (DAP) plant, one monoammonium phosphate (MAP)/DAP plant, three sulfuric acid plants, two fertilizer shipping plants, one standby boiler, and a molten sulfur storage and handling system.

Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Based on the initial notification requirements of 40 CFR 63, Subparts AA and BB, this facility is a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).

E.U. ID No.	Brief Description
-001	Ammonium/Diammonium Phosphate Plant
-002	No. 4 Fertilizer Shipping Plant
-004	No. 3 Fertilizer Shipping Plant
-010	Phosphoric Acid Plant (No. 4 -- V-Train, and No. 5 -- U-Train)
-012	No. 4 Sulfuric Acid Plant
-021	Diammonium Phosphate Fertilizer Plant
-032	No. 6 Sulfuric Acid Plant
-033	No. 5 Sulfuric Acid Plant
-045	Molten Sulfur System -- Stack 45 from West 200 ton molten sulfur pit
-046	Molten Sulfur System -- Vent 44 and 44A from 6,000 ton tank
-047	Molten Sulfur System -- Vent 43, 43A, 43B, 43C and 43D from 3,000 ton tank
-050	Molten Sulfur System -- Stack 47 from East 300 ton molten sulfur pit
-051	Package Watertube Boiler
-052	Phosphogypsum Stack

Unregulated Emissions Units and/or Activities

-053	Facility Wide Fugitive Emissions

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.

Subsection C. Relevant Documents.

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.

These documents are provided to the permittee for information purposes only:
Table 1-1, Summary of Air Pollutant Standards and Terms
Table 2-1, Summary of Compliance Requirements
Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers
Appendix H-1, Permit History / ID Number Transfers
Statement of Basis

These documents are on file with permitting authority:
Initial Title V Permit Application received June 17, 1996
Additional Information Request dated September 25, 1997
Additional Information Response received December 30, 1997
Additional Information Response received March 31, 1998
Additional Information Response received June 12, 1998
Title V Permit Revision Application received December 24, 2001
60 day Waiver Dated February 25, 2002
Rescission of Request for Extension of Time received February 5, 2004

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. APPENDIX TV-4, TITLE V CONDITIONS, is a part of this permit.
{Permitting note: APPENDIX TV-4, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

2. **Not federally enforceable.** General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.
[Rule 62-296.320(2), F.A.C.]

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, 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).
[Rule 62-296.320(4)(b)1., F.A.C.]

4. Prevention of Accidental Releases (Section 11i2(r) of CAA). If required by 40 CFR 68, the permittee shall submit:

a. a risk management plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:

RMP Reporting Center
Post Office Box 3346
Merrifield, VA 22116-3346
Telephone: 703/816-4434

and,

b. to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.
[40 CFR 68]

5. Unregulated Emissions Units and/or Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.
[Rule 62-213.440(1), F.A.C.]

6. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include: confine sand blasting when practical, all outside fertilizer conveyor belts are covered, use street cleaning equipment to remove dirt from paved areas, keep covers on process equipment, prompt cleanup of dry rock spills, posted speed limits on plant roads, fertilizer products are stored inside buildings, and product material transfer points are enclosed.
[Rule 62-296.320(4)(c)2., F.A.C.; Proposed by applicant in the initial Title V permit application received June 17, 1996; Air Construction Permit AC53-253092]

7. Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.
[Rule 62-210.700(1), F.A.C.]

8. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited.
[Rule 62-210.700(4), F.A.C.]

Test Methods and Procedures

9. Where a numerical limit for an air pollution control parameter exists in a permit condition:

a. Within 30 days of the operation of a pollution control device (e.g., scrubber, baghouse, etc.) lower than a minimum numerical control parameter limit specified in a condition of this permit, the permittee may conduct a compliance test with the pollution control device operating at no higher than the lower value at which it operated, in order to demonstrate compliance; or

b. Within 30 days of the operation of a pollution control device (e.g., scrubber, baghouse, etc.) higher than a maximum numerical control parameter limit specified in a condition of this permit, the permittee may conduct a compliance test with the pollution control device operating at no lower than the higher value at which it operated, in order to demonstrate compliance.

The test result(s) shall be submitted to this office within 45 days of testing. Acceptance of the test(s) by the Department will establish the fact that the operation of the pollution control device, at the observed parameter outside the permit limit, was not a violation of this permit.

For any event where the actual numerical value is outside the numerical limit established in a permit condition, corrective action shall be taken and a corrective action report shall be submitted to the Department. Corrective action reports shall be submitted along with excess emissions reports submitted in accordance with Rule 62-210.700(6), F.A.C. Operation outside of a numerical limit will not be considered a permit violation or constitute an exceedance of an emission limit if another compliance test, at the same pollution control system parameters is conducted within 30 days and shows compliance. Such test shall be conducted in accordance with the testing conditions specified for a standard compliance test as specified in the conditions within. Furthermore, the permittee may submit an application to amend this permit to reflect the higher or lower control parameter.
However, operation outside of established numerical limits due to poor maintenance, poor operation, or due to any other equipment or process failure which may be reasonably be prevented shall be prohibited.
[Rule 62-4.070(3), F.A.C.]

10. Compliance with the monitoring requirements of this permit for monitoring equipment not previously installed prior to issuance of this permit shall commence on the date of the next required compliance test after issuance of this permit.
[Rule 62-213.440(1)(b), F.A.C.]

11. The requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C., *Stationary Sources - Emission Monitoring* and 40 CFR 60, Appendix A.
{Permitting Note: The permittee may perform simultaneous testing for fluorides and particulates per DEP interoffice memorandum dated December 17, 1983. In addition the permittee may use an alternative

analytical procedure (Method 13B without fusion and distillation) in lieu of EPA Method 13B for the analysis of fluoride samples per DEP Order No. ASP 95-H01.}
[Rule 62-297.401, F.A.C.]

12. The visible emissions test shall be conducted by a certified observer and be a minimum of thirty minutes in duration, unless otherwise specified within. The test observation period shall include the period during which the highest opacity can reasonably be expected to occur.
[Rule 62-297.310(4)(a)2, F.A.C.]

13. Testing of emissions shall be conducted with the source operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then sources may be tested at less than capacity; in this case subsequent source operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, then operation at higher capacities is allowed for no more than 30 consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit. In no case shall the process or production rate exceed the maximum permitted process or production rate. The actual process or production rate during the test shall be included in each test report. Failure to include the actual process or production rate in the results may invalidate the test. In addition, the test results shall include any operating parameters limited or specified to be recorded in this permit, e.g., scrubber flow rate.
[Rule 62-4.070(3), F.A.C.]

{Permitting Note: Compliance Test Dates. Compliance test dates for emissions units in this permit are for planning purposes only. Rule 62-297.310(7)(a)4, F.A.C., allows the permittee to conduct a formal compliance test any time during the federal fiscal year (October 1 -- September 30).}

14. If the Department of Environmental Protection has reason to believe that any applicable emission standard is being violated, then the Department of Environmental Protection may require the permittee to conduct compliance tests which identify the nature and quantity of pollutant emissions and to provide a report on the results of the tests.
[Rule 62-297.310(7)(b), F.A.C.]

Recordkeeping and Reporting Requirements

15. The permittee shall notify the Air Compliance Section of the Southwest District Office of the Department at least 15 days prior to the date on which each formal compliance test is to begin of the date, time, and place of each such test, and the contact person who will be responsible for coordinating and having such test conducted.
[Rules 62-297.310(7)(a)9 and 62-209.500(5), F.A.C]
{Permitting Note: The permittee may at the discretion of the Department, test an emissions unit with less than 15 days advance notice.}

16. The permittee shall submit to the Air Compliance Section of Southwest District Office of the Department each calendar year, on or before March 1, a completed DEP Form 62-213.900 (4), an "Annual Operating Report for Air Pollutant Emitting Facility", for the preceding calendar year containing the following information pursuant to Subsection 403.061(13), F.S.:

a. Annual amount of materials and/or fuels utilized;
b. Annual emissions (note calculation basis);
c. Hours of operation;

d. Any changes in the information contained in the permit.

The annual "Statement of Compliance: (ref. Appendix TV-4, item 51) shall be submitted with the AOR. [Rule 62-210.370(3), F.A.C., ref. Appendix TV-4, item 24]

17. Test Reports

a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Air Compliance Section of Southwest District Office of the Department, and the applicable local program(s) on the results of each such test.

b. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed or with the operating permit application, whichever is earlier.

c. The report shall provide sufficient detail on the emissions unit tested (at a minimum , the "Project", "Facility ID" and "Emission Unit ID"), the test procedures used to allow the Department to determine if the test report was properly conducted and the test results properly computed. Testing procedures shall be consistent with the requirements of Rule 62-297.310(7), F.A.C.

d. The test report, other than for an EPA or DEP Method 9 test, as a minimum, shall provide the following information:

1. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
2. The permitted operating parameters for air pollution control devices installed on each emission unit (e.g., pressure drop, scrubber liquid flow rate, scrubber liquid pressure, total current, etc.), and the operating parameters of air pollution control devices during each test run.

Failure to submit the rates and actual operating conditions in the test report may invalidate the test and fail to provide reasonable assurance of compliance.

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

18. Hours of Operation - Unless otherwise noted, all emission units are allowed to operate continuously, i.e., 8760 hours per year.
[Rule 62-4.070(3), F.A.C.]

19. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.
[Rule 62-213.440, F.A.C.]

20. The permittee shall submit all compliance related notifications and reports required of this permit to the Department's Southwest District office:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6458

21. Any reports, data, notifications, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air & EPCA Enforcement Branch
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9155
Fax: 404/562-9019

22. This facility is subject to the provisions of 40 CFR 60 Subpart A - General Provisions. A copy of 40 CFR 60 Subpart A - General Provisions is available from the Department upon request.

NOTES to PERMITTEE:

Based on a modeling study approved by the Department, it was determined that emissions from this facility will not have a significant impact on the Hillsborough County Air Quality Maintenance Area and it is therefore exempt from the PM RACT requirements in accordance with Rule 62-296.700(2)(b), F.A.C. The facility, consisting of the following emission units will not have a significant impact on the Air Quality Maintenance Area.

Subsection	E.U. I.D. No.	Description	Particulate Matter (PM) Limit	
			lbs/hr	Tons per year
A	001	Ammonium/Diammonium Phosphate Plant	30.0	131.4
B	002	No. 4 Fertilizer Shipping Plant	10.54[1]	31.6[1]
C	004	No. 3 Fertilizer Shipping Plant	12.0	12.0
F	021	Diammonium Phosphate Fertilizer Plant	22.8[1]	96.9[1]
G	045-050	Molten Sulfur Unloading, Storage and Handling System	1.28[2]	5.35[2]
H	051	Package Watertube Boiler	4.38[3]	3.84[3]
Total			81.0	

[1]Emission limit based on BACT determination.
[2]Emission estimate for emission inventory and PSD purposes.
[3]Emission estimate based on BACT determination.

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.

Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.
Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.
Permit Renewal - Reference Appendix TV-4, item 5

Section III. Emissions Unit(s) and Conditions.

Subsection A. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-001	Ammonium/Diammonium Phosphate Plant

The Ammonium/Diammonium Phosphate Plant (No. 3) has a design capacity of 110 tons per hour of MAP/DAP. The process consists of a dryer, a cooler, a reactor/granulator and screen vents.

The dryer is fired with natural gas, or fuel oil with a maximum sulfur content of 2.4 percent, at a design heat input rate of 32 MMBtu per hour. Emissions from the dryer are controlled by a venturi scrubber, a cyclone-spray scrubber, and a cross-flow scrubber. Emissions from the reactor, granulator, screen vents and material handling system are controlled by a separate RGV scrubbing system consisting of a venturi scrubber, cyclone-spray scrubber and cross-flow scrubber. The exhaust from all three processes is discharged through a single packed bed tail gas scrubber at a design air flow rate of 130,000 ACFM.

{Permitting note(s): These emissions units are regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; and Rule 62-296.403, F.A.C., Phosphate Processing; 40 CFR 63, Subpart A - General Provisions; 40 CFR 63, Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.}

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

Essential Potential to Emit (PTE) Parameters

A.1. Capacity.
a. **Not federally enforceable.** The maximum permitted production rate for the ammonium/diammonium phosphate plant shall not exceed 110.0 tons of DAP or 118.0 tons of MAP per hour .
b. **Not federally enforceable.** The maximum production rate shall not exceed 54.0 tons per hour of 100 percent phosphoric acid (P_2O_5) input.
c. The maximum heat input rate to the dryer is limited to 32 MMBtu per hour.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C.]
{Permitting Note: See Conditions A.23 and A.24 for the federally enforceable NESHAP requirements for monitoring and recordkeeping of the equivalent P_2O_5 feed rate.}

A.2. Methods of Operation - (i.e., Fuels).
The dryer shall be fired with natural gas or new No. 6 fuel oil or a better grade oil[1]. The fuel oil shall contain no more than 2.4% sulfur, by weight. The. "New" fuel oil is defined as being refined from crude oil and has not been used, and may or may not contain additives.
[Rules 62-4.160(2), and 62-213.440(1), F.A.C.]
{Permitting Note: The maximum heat input rate of 32 MMBtu per hour corresponds to approximately 218 gallons per hour of fuel oil.}
[1]**Better Grade Fuel Oil**
A better grade fuel oil is defined as a fuel with a higher ranking in the following list:

Better Grade (Top of List)
new, No. 2 fuel oil
new, No. 3 fuel oil
new, No. 4 fuel oil
new, No. 5 fuel oil
new, No. 6 fuel oil

Emission Limitations and Standards

A.3. Fluoride emissions from the Ammonium/Diammonium Phosphate Plant (No. 3) shall not exceed 0.06 pound of fluoride per ton of equivalent P_2O_5 feed or 1.8 pounds of fluoride per hour, whichever is less.
[Rule 62-296.403(1), F.A.C.]
{Permitting Note: The fluoride emission limit in Condition A.3. of 0.06 lb/ton equivalent P_2O_5 feed is the same as the applicable NESHAP, 40 CFR 63.622(a) limit of 0.06 lb/ton of equivalent P_2O_5 feed. Therefore, it will remain in effect on and after the date that the initial performance (compliance) test is completed, which must be no later than the 40 CFR 63, Subpart BB compliance date, June 10, 2002. The permittee shall comply with the applicable requirements of the NESHAP, 40 CFR 63, Subparts A and BB, see NESHAP Conditions in this subsection as well as NESHAP Common Conditions in Subsection J.}

A.4. Particulate emissions from the Ammonium/Diammonium Phosphate Plant (No. 3) shall not exceed 30.0 pounds per hour. This particulate matter emission limitation qualifies the facility for the PM-RACT exemption per Rule 62-296.700(2)(b), F.A.C. [Requested by applicant July 9, 1982, Rule 62-296.700(2)(b), F.A.C.]

A.5. Visible emissions shall be less than 20% opacity.
[Rule 62-296.320(4)(b), F.A.C.]

A.6. Fugitive particulate and fluoride emissions from the process, conveying and storage equipment shall be controlled by sealing and/or venting particulate matter and fumes from the equipment to the pollution devices.
[Air Operating Permit AO53-169781]

Test Methods and Procedures

A.7. Test the Ammonium/Diammonium Phosphate Plant (No. 3) for particulates, fluorides, and visible emissions annually, on or during the 60 day period prior to November 11. ***For the fluorides only,*** starting no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002, the permittee shall test annually to demonstrate compliance with the applicable emission standards in Condition A.3.
[Rules 62-297.310(7)(a)4, and 62-4.070(4), F.A.C.; 40 CFR 63.626(a)(1) and 63.630(a)]

A.8. Compliance with the emission limitations of Conditions A.3., A.4 and A.5. shall be determined using EPA Methods 1, 2, 3, 4, 5, 9, and 13A or 13B contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A. ***For the fluorides only,*** starting no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002, the permittee shall conduct the performance (compliance) test according to the procedures in 40 CFR 63, Subparts A and BB.
[Chapter 62-297, F.A.C.; 40 CFR 63.626(b) and 63.630(a)]

A.9. Compliance testing of the product dryer shall be conducted while firing oil in the product dryer, if oil of any type has been used in the product dryer for a sum total of more than 400 hours from the previous test. If a test is conducted while firing natural gas, and in the 12 month period following the test, fuel oil of any type is burned for a sum total of more 400 hours, then an additional emissions test per Conditions A.4 and A.5 shall be conducted, while burning oil in that source, within 30 days of having exceeded the 400 hour oil burning limit. A compliance test submitted using a better grade fuel oil[(1)], than No. 6 grade, will automatically amend the operation permit to only allow subsequent operation on only that better grade oil or a higher ranked oil. A compliance test is required for operating the product dryer on a lower grade oil than was previously permitted to do so.
[Rules 62-297.310(7)(b), and 62-4.070(3), F.A.C.]
[(1)] see page A2

A.10. If testing is conducted while firing fuel oil in the dryer, compliance with the sulfur content requirement of Condition A.2 shall be demonstrated during the test by submitting either of the following with the test report:

a. A Certificate of Fuel Oil Analysis from your fuel oil vendor for the fuel used during the compliance test; or
b. A Certificate of Fuel Oil Analysis for a fuel oil sample taken during the compliance test.

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

Monitoring of Operations

Conditions A.11, A.12, and A.13 are superceded by the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions A.19 through A.28) and 40 CFR 63, Subpart A (See Subsection J, NESHAP Common Conditions) on or after the date that the initial performance (compliance) test is completed, but no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002.

A.11. The permittee shall calibrate, maintain, and operate a flow monitoring device which can be used to determine the mass flow of phosphorus-bearing feed material to the process. The monitoring device shall have an accuracy of ± 5% over its operating range.
[Air Operation Permit AO53-169781]

A.12. In order to provide reasonable assurance that the fluoride emission limitation is being met, the permittee shall create and keep a record log of the scrubber operating parameters. The record log shall contain, at a minimum:

a. the water flow rate (gallons per minute),
b. the scrubber pressure drop (inches of water),
c. the date and time of the measurements, and
d. the name of the person responsible for performing the measurements.

A record log entry for each scrubber shall be made at least once for every 8 hour shift when the Ammonium/Diammonium Phosphate Plant operates.

NOTE: The permittee may substitute continuous monitoring and strip chart recordings for the manual recordkeeping required by this Condition.
[Rules 62-4.070(3), 62-4.160(14)(b), and 62-4.160(14)(c), F.A.C.]

A.13. The scrubbers shall be operated at or above the following minimum operating parameters established below:

Pollution Control Equipment	Parameter	Minimum Limitation	Units	Averaging Time
RGV Pond Water Spray Duct & Venturi Scrubber	Flow	100	GPM	3 hr
	Pressure Drop	7	in. H_2O	3 hr
Dryer Ejector Scrubber	Flow	100	GPM	3 hr
	Pressure Drop	1	in. H_2O	3 hr
Tailgas Scrubber	Flow	1,800	GPM	3 hr
	Pressure Drop	1	in. H_2O	3 hr
Cooler Venturi & Cyclonic	Flow (recovery soln)	600	GPM	3 hr
	Pressure Drop	11	in. H_2O	3 hr
Dryer Venturi & Cyclonic	Flow (recovery soln)	670	GPM	3 hr
	Pressure Drop	9	in. H_2O	3 hr
RGV Venturi & Cyclonic	Flow (recovery soln)	440	GPM	3 hr
	Pressure Drop	4	in. H_2O	3 hr

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

Continuous Monitoring Requirements

Condition A.14 is superceded by the applicable NESHAP, 40 CFR 63, Subparts A and BB requirements on or after the date that the initial performance (compliance) test is completed, but no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002.

A.14. The permittee shall calibrate, maintain and operate a monitoring device which continuously measures and permanently records total pressure drop across each scrubber system. The monitoring device shall have an accuracy of ± 5% over its operating range.
[Air Operation Permit AO53-169781]

Recordkeeping and Reporting Requirements

Condition A.15 is superceded by the applicable NESHAP, 40 CFR 63, Subparts A and BB requirements on or after the date that the initial performance (compliance) test is completed, but no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002.

A.15. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass in tons per hour of phosphorus-bearing feed using a monitoring device for determining mass flow rate which meets the requirements of A.11 and then by processing according to 40 CFR 60.224(b)(3).
[40 CFR 60.223(b)]

A.16. In order to document continuing compliance with the maximum sulfur content requirement of Condition A.2, the permittee shall maintain a record of the sulfur content of the fuel oil received for use in the product dryer. These records may be based on vendor supplied information or analysis of samples taken by the permittee in accordance with Rule 62-297.440, F.A.C.
[Rule 62-4.070(3), F.A.C.]

A.17. A daily record log(s) shall be established and maintained to document, at a minimum, the following:

a. the quantity of natural gas and the quantity of oil and type of oil (No.2, No.3, No. 4, No. 5, or No. 6 fuel oil) utilized in the product dryer.

b. the sulfur content (percent, by weight) of each type of oil (No. 2, No. 3, No. 4, No. 5, or No. 6 fuel oil) utilized in the product dryer. The sulfur content may be based upon vendor supplied as-delivered oil sulfur content information, or an oil analysis.
c. the total hours of product dryer operation using oil of any type.
d. the total hours of product rock dryer operation using oil of any type for each rolling 12 consecutive month period (hours per 12 months).

[Rule 62-4.070(3), F.A.C.]
{Permitting Note: See NESHAP Conditions (Conditions A.19 through A.28) as well as NESHAP Common Conditions (Subsection J) for additional recordkeeping requirements.}

A.18. All test reports submitted to the Department shall include, at a minimum, the following information for the test period:

a. Type of fuel being fired.
b Heat input rate (MMBtu per hour) and firing rate (MCF per hour or gallons per hour).
c. Material process input rate (Tons per hour) and production rate (Tons per hour).
d Scrubber liquid flow rate (gpm).
e. If the test was conducted while firing natural gas, then include a statement of the total hours of dryer operation while firing fuel oil, of any type, during the 12 consecutive month period prior to the test.

Failure to submit the above information, or operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance.
[Rule 62-4.070(3), F.A.C.]
{Permitting Note: See NESHAP Conditions (Conditions A.19 through A.28) as well as NESHAP Common Conditions (Subsection J) for additional monitoring and recordkeeping requirements during performance tests.}

NESHAP Conditions
{Permitting Note: The permittee is responsible for maintaining compliance with the applicable requirements of and remaining up to date with any changes to 40 CFR 63, Subparts A and BB. The conditions indicated below and in Subsection J are current as of the date of this permit revision, DEP Project No. -016.}

A.19. The permittee shall achieve compliance with the requirements of 40 CFR 63, Subpart BB no later than June 10, 2002.
[40 CFR 63.630(a)]

A.20. This emissions unit is exempted from the requirements in NSPS, 40 CFR 60, Subpart V effective upon the date that the permittee demonstrates compliance with 40 CFR 63, Subpart BB.
[40 CFR 63.631]

A.21. This emissions unit is subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions, which are located in Subsection J. NESHAP Common Conditions.
[40 CFR 63, Appendix A of Subpart BB]

A.22. On or after the date on which the initial performance (compliance) test is completed, the permittee must maintain three-hour averages of the pressure drop across each scrubber and of the flow rate of the

scrubbing liquid to each scrubber within the allowable ranges established pursuant the requirements of 40 CFR 63.625(f)(1) or 63.625(f)(2), as indicated in Condition A.26.
[40 CFR 63.624]

A.23. The permittee shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of ± 5 % over its operating range.
[40CFR 63.625(a)]

A.24. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of 40 CFR 63.625(b) and then by proceeding according to 40 CFR 63.626(c)(3).
[40 CFR 63.625(b)]

A.25. The permittee shall install, calibrate, maintain, and operate the following monitoring systems:

A. **Pressure Drop.** A monitoring system which continuously measures and permanently records the pressure drop across each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ± 5 % over its operating range.

B. **Scrubbing Liquid Flow Rate.** A monitoring system which continuously measures and permanently records the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ± 5 % over its operating range.

[40CFR 63.625(c)]

A.26. Following the date on which the performance (compliance) test is completed per 40 CFR 62.626, the permittee must establish allowable ranges for operating parameters using the methodology of either of the following:

A. The allowable range for the daily averages of the pressure drop across each scrubber and the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ±20% of the baseline average value determined per 40 CFR 62.626(c)(4). The baseline average values used for compliance shall be the arithmetic averages of the three runs during the most recent performance (compliance) test. The permittee must notify the Department of the baseline average value and each time that the baseline value is changed as a result of the most recent performance test.

Or

B. The permittee can establish the allowable ranges of baseline average values based upon baseline average values recorded during previous performance tests or by using the results of a performance test conducted specifically to determine the baseline average values. The permittee shall certify that the control devices and processes have not been modified prior to testing upon which the data used to establish the allowable ranges were obtained. The arithmetic averages of the three runs during the performance test shall be used as the baseline average for the average pressure drop and the average scrubber liquid flow rate. The permittee shall establish and notify the Department for approval, allowable ranges of baseline average values for the pressure drop across and the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of compliance with 40 CFR 63, Subpart BB. Until changes to allowable ranges of the baseline average values are approved

by the Department, the allowable ranges shall be based upon the range of baseline average values proposed for approval.

The new baseline average value for either of the above shall be effective on the date following the performance test.
[40 CFR 63.625(f); 40 CFR 63.626(c)(4)]

A.27. The permittee shall determine compliance with the total fluorides standard as required in 40 CFR 63.626(c), based on the equivalent P_2O_5 computed as indicated in 40 CFR 63.626(c)(3).
[40 CFR 63.626(c)]

A.28. The permittee must comply with the notification requirements in 40 CFR 63.9 and the reporting and recordkeeping requirements in 40 CFR 63.10. The reporting requirements in 40 CFR 63.10 includes the initial and annual performance test reports, excess emissions reports, and the summary report.
[40 CFR 63.627]

Subsection B. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-002	No. 4 Fertilizer Shipping Plant

The No. 4 Fertilizer Shipping Plant includes material conveyors, transfer points, and one (1) truck and two (2) rail car shipping bins and loadout spouts. All material transfer points are located inside the material handling building and are covered and evacuated to minimize fugitive emissions. The truck and rail car loading operations are beneath the building and enclosed on two sides. Loading is done via a chute feeder which is also controlled by the evacuation/scrubber dust control system. Emissions collected by the evacuation system are controlled by a high energy venturi scrubber followed by a cyclonic liquid/air separator.

As an alternative to full-time utilization of the evacuation scrubber dust control system, the use of dust suppressant to control the generation of dust will be allowed.

{Permitting note(s): These emissions units are regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards.}

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

Essential Potential to Emit (PTE) Parameters

B.1. Capacity. The maximum truck and/or railcar product loading rate shall not exceed 660 tons per hour.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C.]

B.2. Hours of Operations The hours of operation for this emissions unit shall not exceed 6,000 hours in any 12 consecutive month period.
[Rule 62-210.200, F.A.C., Definitions - (PTE), Air Construction Permit AC53-239194, as requested by permittee, December 6, 1993]

Emission Limitations and Standards

B.3. Particulate matter (PM) emissions from the No. 4 Fertilizer Shipping Plant shall exceed neither 0.03 grains/dscf nor 10.54 pounds per hour (based upon a maximum exhaust gas flow rate of 41,000 dcsfm). Based upon the hours of operation limitation of Condition B.2, this results in a maximum annual emission rate limitation of 31.6 tons/12 consecutive month period.
[BACT Determination, January 2, 1981, Air Construction Permit AC53-239194]

B.4. Visible emissions from the No. 4 Fertilizer Shipping Plant evacuation scrubber dust control system shall be less than 20% opacity.
[Rule 62-296.320(4)(b), F.A.C., BACT Determination of January 2, 1981]

B.5. There shall be no visible emissions (i.e. opacity equal to or less than 5%) to the ambient atmosphere from any point of the No. 4 Fertilizer Shipping Plant when application of a dust suppressant is being used to control particulate emissions in lieu of operation of the evacuation and scrubber dust control system.
[Rule 62-4.070(3), F.A.C., Air Construction Permit AC53-239194, requested by permittee, December 6, 1993.]

Test Methods and Procedures

B.6. Test the No. 4 Fertilizer Shipping Plant exhaust stack for particulates, and visible emissions annually, on or during the 60 day period prior to June 30. The annual particulate stack test can be waived, except a particulate stack test shall be conducted during the 180 day period prior to expiration of this air permit, by submittal of a statement that the dust suppressant oil system has been used and the scrubber system has not been used since the last compliance test. A performance test on the dust suppressant dust control system shall be conducted as specified in Condition B.8.
[Rules 62-297.310(7)(a)4, F.A.C. and 62-4.070(4), F.A.C.]

B.7. Compliance with the emission limitations of Conditions B.3., B.4. and B.5. shall be determined using EPA Methods 1, 2, 4, 5, 9 and 22 contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A.
[Chapter 62-297, F.A.C.]

B.8. The permittee shall conduct a visible emissions performance test within 30 days of changing the type(s) or brand of dust suppression oils used at the No. 4 Fertilizer Shipping Plant. The report shall at a minimum include the following:

a. The specific type of dust suppression oil to be used (include a MSDS sheet on this material if available);
b. The point of application of the dust suppression oil, the minimum rate at which it will be applied, and a description of how the rate of application will be controlled and measured (for the purposes of recordkeeping);
c. Statement of the results of observation of visible emissions from transfer and loading points when dust suppression oil is being applied at the minimum rate.

[Rule 62-4.070(3), F.A.C., Air Construction Permit AC53-239194, requested by permittee, December 6, 1993]

Monitoring of Operations

B.9. The scrubber shall be operated at or above the following minimum operating parameters established below:

Pollution Control Equipment	Parameter	Minimum Limitation	Units	Averaging Time
Scrubber	Flow	170	GPM	3 hr
	Pressure Drop	2.5	in. H_2O	3 hr

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

Recordkeeping and Reporting Requirements

B.10. In order to document compliance with Conditions B.1, B.2 and B.9, the permittee shall maintain the following records:

a. Daily and monthly total hours of operation of the No. 4 Fertilizer Shipping Plant (time periods operated, and total hours/day and hours/month);
b. Quantity of product loaded out each day (tons/day);
c. For each period of operation, a statement of whether the evacuation and scrubber dust control system was in service or whether dust suppressant oil was being applied to the product being processed;

d. For each period when dust suppressant oil was being used to control particulate emissions, a description of, and rate of application of the suppressant oil (gallons/minute or hour);

e. For each period when the evacuation and scrubber dust control system was in service to control particulate emissions, a log of the following scrubber parameters shall be kept:

1. pressure drop across the scrubber (in inches W.G.);
2. water flow in GPM;
2. scrubber fan amps;
3. visual verification that the scrubber pump is operating properly.

An entry shall be made in the scrubber operation log for each of the above parameters at least once per shift.

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

Subsection C. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-004	No. 3 Fertilizer Shipping Plant

The No. 3 Fertilizer Shipping Plant has a maximum permitted MAP/DAP product railcar loading rate of 200.0 tons per hour. The product loading system includes material conveyors, transfer points, two parallel screens, surge bin, weigh belt and loading spouts.

All material transfer points are located inside the material handling building and are covered and evacuated to prevent fugitive emissions. The rail car loading operations are beneath the building and enclosed on two sides. Loading is done via a chute feeder which is also controlled by the evacuation/scrubber dust control system. Emissions collected by the evacuation system are controlled by a high energy 8,000 ACFM wet venturi scrubber followed by a demister.

As an alternative to full-time utilization of the evacuation scrubber dust control system, the use of dust suppressant to control the generation of dust will be allowed.

{Permitting note(s): This emissions unit is regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards. This emissions unit is exempted from Particulate Matter RACT (Rule 62-296.700(2)(b), F.A.C., and ref. Condition C.3.)}

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

Essential Potential to Emit (PTE) Parameters

C.1. Capacity. The maximum railcar MAP/DAP product loading rate shall not exceed 200.0 tons per hour.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C.]

C.2. Hours of Operations The hours of operation for this emissions unit shall not exceed 6,000 hours per year of which no more than 2,000 hours per year may be during scrubbing operation.
[Rule 62-210.200, Definitions - (PTE), F.A.C., as requested by permittee, August 5, 1994]

Emission Limitations and Standards

C.3. Particulate matter (PM) emissions from the No. 3 Fertilizer Shipping Plant shall not exceed 12.0 pounds per hour while using the evacuation/scrubber dust control system. Based upon the hours of operation limitation of Condition C.2, this results in a maximum annual emission rate limitation of 12.0 tons per year.
[Rule 62-296.700(2)(b), F.A.C., requested by permittee, August 5, 1994]

C.4. Visible emissions from the No. 3 Fertilizer Shipping Plant evacuation/scrubber dust control system shall be less than 20% opacity.
[Rule 62-296.320(4)(b), F.A.C.]

C.5. There shall be no visible emissions (i.e. opacity less than or equal to 5%) to the ambient atmosphere from any point of the No. 3 Fertilizer Shipping Plant when application of a dust suppressant is being used to control particulate emissions in lieu of operation of the evacuation/scrubber dust control system.
[Rule 62-4.070(3), F.A.C., requested by permittee, August 5, 1994]

Test Methods and Procedures

C.6. Test the No. 3 Fertilizer Shipping Plant for particulates, and visible emissions annually, on or during the 60 day period prior to August 6. The annual particulate stack test can be waived, except a particulate stack test shall be conducted during the 180 day period prior to expiration of this air permit, by submittal of a statement that the dust suppressant oil system has been used and the scrubber system has not been used since the last compliance test. A performance test on the dust suppressant dust control system shall be conducted as specified in Condition C.8.
[Rules 62-297.310(7)(a)4, F.A.C. and 62-4.070(3), F.A.C.]

C.7. Compliance with the emission limitations of Conditions C.3., C.4. and C.5. shall be determined using EPA Methods 1, 2, 4, 5, and 9 contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A.
[Chapter 62-297, F.A.C.]

C.8. The permittee shall conduct a visible emissions performance test within 30 days of changing the type(s) or brand of dust suppression oils used at the No. 3 Fertilizer Shipping Plant. The report shall at a minimum include the following:

a. The specific type of dust suppression oil to be used (include a MSDS sheet on this material if available);
b. The point of application of the dust suppression oil, the minimum rate at which it will be applied, and a description of how the rate of application will be controlled and measured (for the purposes of recordkeeping);
c. Statement of the results of observation of visible emissions from transfer and loading points when dust suppression oil is being applied at the minimum rate.

[Rule 62-4.070(3), F.A.C., requested by permittee, August 5, 1994]

Monitoring of Operations

C.9. The scrubber shall be operated at or above the following minimum operating parameters established below:

Pollution Control Equipment	Parameter	Minimum Limitation	Units	Averaging Time
Scrubber	Flow	50	GPM	3 hr
	Pressure Drop	10	in. H_2O	3 hr

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

Recordkeeping and Reporting Requirements

C.10. In order to document compliance with Conditions C.1, C.2 and C.9, the permittee shall maintain the following records:

a. Daily and monthly total hours of operation of the No. 3 Fertilizer Shipping Plant (time periods operated, and total hours/day and hours/month);
b. Quantity of product loaded out each day (tons/day);
c. For each period of operation, a statement of whether the evacuation and scrubber dust control system was in service or whether dust suppressant oil was being applied to the product being processed;

d. For each period when dust suppressant oil was being used to control particulate emissions, a description of, and rate of application of the suppressant oil (gallons/minute or hour);

e. For each period when the evacuation and scrubber dust control system was in service to control particulate emissions, a log of the following scrubber parameters shall be kept:
   1. pressure drop across the scrubber (in inches W.G.);
   2. water flow in GPM;
   3. scrubber fan amps;
   4. visual verification that the scrubber pump is operating properly.

An entry shall be made in the scrubber operation log for each of the above parameters at least once per shift.
[Rule 62-4.070(3), F.A.C.]

Subsection D. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-010	Phosphoric Acid Plant (No. 4 -- V-Train, No. 5 -- U-Train)

The Phosphoric Acid Plant (No. 4 -- V-Train, and No. 5 -- U-Train) has a design feed rate of 170 tons per hour equivalent P_2O_5 feed input. Fluoride emissions from the following sources are controlled by three separate scrubbers; one venturi scrubber and two cross flow packed scrubbers with an air flow rate range of 22,000 to 30,000 ACFM: No. 4 and No. 5 reactors, No. 3, No. 4, and No. 5 filters (filter feed box only), No. 3, No. 4, and No. 5 filtrate tanks (hot wells), No. 4 and No. 5 barometric condenser seal tanks, No. 1 and No. 2 Evaporator FSA Seal Tank, and No. 3 and No. 4 Evaporator FSA Seal Tank.

{Permitting note(s): These emissions units are regulated under NSPS - 40 CFR 60, Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants, adopted and incorporated by reference in Rule 62-204.800(7)(b)25., F.A.C.; Rule 62-212.300, F.A.C., General Preconstruction Review Requirements; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD); and Rule 62-296.403, F.A.C., Phosphate Processing; 40 CFR 63, Subpart A - General Provisions; 40 CFR 63, Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.}

The following conditions apply to the emissions unit(s) listed above:

Essential Potential to Emit (PTE) Parameters

D.1. Capacity. The maximum production rate of the Nos. 4 and 5 Phosphoric Acid Plants (combined) shall not exceed 170.0 tons P_2O_5 per hour of equivalent P_2O_5 feed[1] rate.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C., Air Construction Permits AC53-262532/PSD-FL-224 and 1050046-013-AC/PSD-FL-295]
{Permitting Note: 586.2 tons per hour of phosphate rock is equivalent to 170 tons of P_2O_5; Phosphate rock is typically 29% P_2O_5, 170 TPH÷0.29 = 586.2 TPH of phosphate rock. Based on the equivalent P_2O_5 feed rate at which the March 13, 1997 compliance testing was conducted, the permitted equivalent P_2O_5 feed rate is 147 + (147 x 10%) = 161.7 tons per hour (Nos. 4 and 5 Phosphoric Acid Plants Combined). See Conditions D.16 and D.17 for NESHAP requirements for monitoring and recordkeeping of the equivalent P_2O_5 feed rate.}

Emission Limitations and Standards
D.2. Prior to the date that the initial performance (compliance) test is required to be completed per 40 CFR 63, Subpart AA, total fluoride[2] emissions shall not exceed 0.012 lb/ton of equivalent P2O5 input, 2.04 lb/hr, and 10.01 tons per year. On and after the date that the initial performance (compliance) test per 40 CFR 63, Subpart AA is completed, the total fluoride emissions shall not exceed 0.01 lbs/ton of equivalent P_2O_5 feed.
[Air Construction Permit 1050046-013-AC/PSD-FL-295; 40 CFR 63.602(b)(1)]
{Permitting Note: The initial performance test must be conducted on or before the compliance date of June 10, 2002. See Conditions D.3 and D.12.}

Test Methods and Procedures

D.3. The permittee shall test the emissions from Nos. 4 and 5 Phosphoric Acid Train scrubbers, and No. 3 Filter process scrubber simultaneously for the following pollutants on, or during the 60 day period prior to the test due dates and test intervals shown below:

Pollutant	Test Interval	Test Due Date	
		No. 4 Phosphoric Acid Train	No. 5 Phosphoric Acid Train
Fluoride	annually	September 25	September 25

Starting no later than the compliance date of 40 CFR 63, Subpart AA, June 10, 2002, the permittee shall test annually to demonstrate compliance with the applicable emissions standards of 40 CFR 63, Subpart AA. [Rules 62-297.310(7)(a)4, 62-296.800, F.A.C., and 40CFR60.202(a) ; 40 CFR 63.606(a)(1) and 63.609(a)]

D.4. Compliance with the fluoride emission limitation of Condition D.2 shall be determined using EPA Methods 1, 2, 3, 4 and 13A or 13B as contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A. Starting no later than the compliance date of 40 CFR 63, Subpart AA, June 10, 2002, the permittee shall test annually according to the procedures in 40 CFR 63, Subparts A and AA.
[Chapter 62-297, F.A.C.; 40 CFR 63.606(b)]

Monitoring of Operations

Conditions D.5. and D.6 are superceded by the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart AA (See NESHAP Conditions D.12 through D.21) and 40 CFR 63, Subpart A (See Subsection J, NESHAP Common Conditions) on or after the date that the initial performance (compliance) test is to be completed, but no later than the compliance date of 40 CFR 63, Subpart AA, June 10, 2002.

D.5. The scrubbers shall be operated at or above the following minimum operating parameters established below:

Pollution Control Equipment	Parameter	Minimum Limitation	Units	Averaging Time
# 4 Scrubber	Flow	500	GPM	3 hr
	Pressure Drop	2	in. H_2O	3 hr
# 5 Scrubber	Flow	2,000	GPM	3 hr
	Pressure Drop	1	in. H_2O	3 hr
New Filter Scrubber	Flow	800	GPM	3 hr
	Pressure Drop	0.45	in. H_2O	3 hr

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

D.6. In order to provide reasonable assurance that the fluoride emission limitation of Condition D.2 is being met, the permittee shall create and keep a record log of the scrubber operating parameters for each plant . The record log shall contain, at a minimum:

a. the water flow rate (gallons per minute),
b. the scrubber pressure drop (inches of water),

c. the date and time of the measurements, and
d. the name of the person responsible for performing the measurements.

A log entry shall be made at least once for every shift (12 hours) that the Phosphoric Acid Plant operates.

NOTE: The permittee may substitute continuous monitoring and strip chart recordings for the manual recordkeeping required by this Condition.
[Rules 62-4.070(3), 62-4.160(14)(b), 62-4.160(14)(c), and 62-213.440(b)2.b., F.A.C.]

Continuous Monitoring Requirements

Conditions D.7 and D.8 are superceded by the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart AA (See NESHAP Conditions D.12 through D.21) and 40 CFR 63, Subpart A (See Subsection J, NESHAP Common Conditions) on or after the date that the initial performance (compliance) test is to be completed, but no later than the compliance date of 40 CFR 63, Subpart AA, June 10, 2002.

D.7. The permittee shall install, calibrate, maintain, and operate a monitoring device which can be used to determine the mass flow of phosphorus-bearing feed material to the process. The monitoring device shall have an accuracy of $\pm$5% over its operating range.
[40CFR60.203(a)]

D.8. The permittee shall install, calibrate, maintain, and operate a monitoring device which continuously measures and permanently records the total pressure drop across the process scrubbing system. The monitoring device shall have an accuracy of $\pm$5% over its operating range.
[40CFR60.203(c)]

Recordkeeping and Reporting Requirements

Conditions D.9 and D.11 are superceded by the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart AA (See NESHAP Conditions D.12 through D.21) and 40 CFR 63, Subpart A (See Subsection J, NESHAP Common Conditions) on or after the date that the initial performance (compliance) test is to be completed, but no later than the compliance date of 40 CFR 63, Subpart AA, June 10, 2002.

D.9. The permittee shall maintain a daily record of the equivalent P_2O_5 feed rate for the phosphoric acid plant according to the procedure specified in 40CFR60.203(b)- *Monitoring of Operations*}.
[40CFR60.203 and Rule 62-4.070(3), F.A.C.]

D.10. The monitoring devices required by Conditions D.7 and D.8 for the equivalent P_2O_5 feed rate and the total pressure drop measurement across the scrubber are considered inoperative when they are out-of-service or fail to produce valid data. Upon the occurrence of 48 consecutive hours of continuous monitoring system downtime, the permittee shall notify the Air Compliance Section, Southwest District Office of the Department of Environmental Protection by 5:00 p.m. on the Department's next business day, of the incident and specify the corrective action being pursued.

Notify: Air Compliance Supervisor
Southwest District Office
Department of Environmental Protection
Telephone: (813) 744-6100
FAX: (813) 744-6458

[Rule 62-4.130, F.A.C.]

D.11. The following scrubber operating parameters shall be monitored and recorded during the compliance test and a summary of this data shall be included with the fluoride emissions test report:

a. the water flow rate (gallons per minute)
b. the scrubber pressure drop (inches of water)
c. "equivalent P_2O_5 feed" rate

NOTE: The permittee may substitute continuous monitoring and strip chart recordings for the manual recordkeeping required by this Condition.
[Rules 62-4.070(3), 62-4.160(14)(b), and 62-4.160(14)(c), F.A.C.]

(1) **"Equivalent P_2O_5 Feed Rate"** - the quantity of phosphorus, expressed as phosphorous pentoxide, feed to the process.

(2) **"Total Fluoride Emissions"** - elemental fluorine and all fluoride compounds as measured by reference methods specified in 40 CFR 60.204, or equivalent or alternative methods.

NESHAP Conditions

{Permitting Note: The permittee is responsible for maintaining compliance with the applicable requirements of and remaining up to date with any changes to 40 CFR 63, Subparts A and AA. The conditions indicated below and in Subsection J are current as of the date of this permit revision, DEP Project No. -014.}

D.12. The permittee shall achieve compliance with the requirements of 40 CFR 63, Subpart AA no later than June 10, 2002.
[40 CFR 63.609(a)]

D.13. This emissions unit is exempted from the requirements in NSPS, 40 CFR 60, Subpart T effective upon the date that the permittee demonstrates compliance with 40 CFR 63, Subpart AA.
[40 CFR 63.610]

D.14. This emissions unit is subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions, which are located in Subsection J. NESHAP Common Conditions.
[40 CFR 63, Appendix A of Subpart AA]

D.15. On or after the date on which the initial performance (compliance) test is completed, the permittee shall maintain three-hour averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber with in the allowable ranges established pursuant to 40 CFR 63.605(d)(1) or (2), as indicated in Condition D.19
[40 CFR 63.604]

D.16. The permittee shall install calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of the phosphorus-bearing feed to the process. The monitoring system shall have an accuracy of ±5 % over its operating range.
[40 CFR 63.605(a)]

D.17. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate of the phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of 40 CFR 63.605(a) and using the calculation method of 40 CFR 63.606(c)(3).
[40 CFR 63.605(b)(1)]

D.18. The permittee shall install, calibrate, maintain, and operate the following monitoring systems:

A. Pressure Drop. A monitoring system which continuously measures and permanently records the pressure drop across each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ± 5 % over its operating range.

B. Scrubbing Liquid Flow Rate. A monitoring system which continuously measures and permanently records the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ± 5 % over its operating range.

[40CFR 63.605(c)]

D.19. Following the date on which the performance (compliance) test is completed per 40 CFR 62.606, the permittee must establish allowable ranges for operating parameters using the methodology of either of the following:

A. The allowable range for the daily averages of the pressure drop across each scrubber and the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ±20% of the baseline average value determined per 40 CFR 62.606(c). The baseline average values used for compliance shall be the arithmetic averages of the three runs during the most recent performance (compliance) test. The permittee must notify the Department of the baseline average value and each time that the baseline value is changed as a result of the most recent performance test.

Or

B. The permittee can establish the allowable ranges of baseline average values based upon baseline average values recorded during previous performance tests or by using the results of a performance test conducted specifically to determine the baseline average values. The permittee shall certify that the control devices and processes have not been modified prior to testing upon which the data used to establish the allowable ranges were obtained. The arithmetic averages of the three runs during the performance test shall be used as the baseline average for the average pressure drop and the average scrubber liquid flow rate. The permittee shall establish and notify the Department for approval, allowable ranges of baseline average values for the pressure drop across and the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of compliance with 40 CFR 63, Subpart AA. Until changes to allowable ranges of the baseline average values are approved by the Department, the allowable ranges shall be based upon the range of baseline average values proposed for approval.

The new baseline average value for either of the above shall be effective on the date following the performance test.

[40 CFR 63.605(d); 40 CFR 63.606(c)(4)]

D.20. The permittee shall determine compliance with the total fluorides standard as required in 40 CFR 63.606(c), based on the equivalent P_2O_5 computed as indicated in 40 CFR 63.606(c)(3).

[40 CFR 63.606(c)]

D.21. The permittee must comply with the notification requirements in 40 CFR 63.9 and the reporting and recordkeeping requirements in 40 CFR 63.10. The reporting requirements in 40 CFR 63.10 includes the initial and annual performance test reports, excess emissions reports, and the summary report.

[40 CFR 63.607]

D.22. Pursuant to Rule 62-210.700, F.A.C., Emission Unit -010 is subject to the following:

a. Excess emission resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.

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

c. Considering operational variations in types of industrial equipment operations affected by this rule, the Department may adjust maximum and minimum factors to provide reasonable and practical regulatory controls consistent with the public interest.

d. In case of excess emissions resulting from malfunctions, each source shall notify the Department 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, F.A.C., Air Construction Permit 1050046-013-AC/PSD-FL-295]

Subsection E. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-012	No. 4 Sulfuric Acid Plant
-032	No. 6 Sulfuric Acid Plant
-033	No. 5 Sulfuric Acid Plant

Sulfur dioxide from each sulfuric acid plant (Nos. 4, 5, and 6) is controlled by a dual absorption tower, and acid mist is controlled by HV and HE mist eliminators. Each plant produces a maximum of 2600 tons per day of sulfuric acid (100% H_2SO_4 basis).

{Permitting note(s): This emissions unit is regulated under NSPS - 40 CFR 60, Subpart H, Standards of Performance for Sulfuric Acid, adopted and incorporated by reference in Rule 62-204.800(7)(b)10., F.A.C.; Rule 62-212.300, F.A.C., General Preconstruction Review Requirements; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD); Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; and Rule 296.402, F.A.C., Sulfuric Acid Plants.}

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

Essential Potential to Emit (PTE) Parameters

E.1. Capacity. The production rate of sulfuric acid for each plant, measured as 100% H_2SO_4, shall not exceed 2600 tons per day (108.33 tons/hr daily average basis).
[Air Construction permit AC53-271436/PSD-FL-229, Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C.]

Emission Limitations and Standards

E.2. Visible emissions from each plant shall not be equal to or greater than 10% opacity.
[Rule 62-204.800(7)(b)10., F.A.C., and 40 CFR 60.83(a)(2)]

E.3. Sulfur dioxide emissions from each plant shall not exceed any of the following:

a. 4 pounds per ton of 100% H_2SO_4 produced;
b. 433.3 pounds per hour;
c. 1898 tons per year.

[Rule 62-204.800(7)(b)10, F.A.C., 40 CFR 60.82(a), and Air Construction Permit AC53-271436/PSD-FL-229]

E.4. Acid (H_2SO_4) mist emissions for each plant shall not exceed any of the following:

a. 0.15 pounds per ton of 100% H_2SO_4 produced;
b. 16.25 pounds per hour;
c. 71.2 tons per year.

[Rule 62-204.800(7)(b)10, F.A.C., 40 CFR 60.83(a)(1), and Air Construction Permit AC53-271436/PSD-FL-229]

E.5. Nitrogen oxides emissions from each plant shall not exceed any of the following:
a. 0.12 pounds per ton of 100% acid produced;
b. 13.0 pounds per hour;
c. 57.0 tons per year.
[Air Construction Permit AC53-271436/PSD-FL-229]

Test Methods and Procedures
E.6. Test the emissions from each plant for the following pollutants, annually, on or during the 60 day period prior to August 28.
a. Visible Emissions
b. Sulfur Dioxide
c. Acid Mist
[Rule 62-297.310(7)(a)4, F.A.C.]

E.7. Test the nitrogen oxides emissions from each plant, on or during the 180 day period prior to the expiration date of this permit.
[Rule 62-297.310(7)(a)3, F.A.C.]

E.8. Compliance with the emission limitations of Conditions E.2, E.3, E.4, and E.5 shall be determined in accordance with 40 CFR 60.85 using EPA Methods 1, 2, 3, 7E, 8, and 9 contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stationary point source emissions test procedures and reporting shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A.
[Chapter 62-297, F.A.C.]

Excess Emissions
E.9. Excess emissions resulting from startup, shutdown, or malfunction are permitted providing: (1) best operational practices to minimize emissions are adhered to and; (2) the duration of excess emissions are minimized. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. In case of excess emissions resulting from malfunctions, the permittee shall notify the Department in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rules 62-210.700(1), (4), and (6), F.A.C.]

E.10. This permit acknowledges that leaks of sulfur dioxide and sulfur trioxide, or other fugitive process emissions that do not pass through a stack, may occur as part of routine operations. Best operational practices to minimize these emissions shall be adhered to and shall include regular inspections and the prompt repair or correction of any leaks or other fugitive emissions.
[Rule 62-4.070(3), F.A.C.]

Continuous Monitoring Requirements
E.11. For each plant, a continuous emission monitoring system for the measurement of sulfur dioxide shall be calibrated, maintained and operated as specified in 40 CFR 60.84. The span value of the continuous monitor shall be set at 1000 ppm.
[Rules 62-204.800(7)(b)10 and 62-297.500, F.A.C., and 40 CFR 60.84]

E.12. The permittee shall determine emissions in the units of the applicable standard (lb/ton) in accordance with 40 CFR 60.84(b) or (d).
[Rules 62-204.800(7)(b)10 and 62-297.500, F.A.C., and 40 CFR 60.84]

Recordkeeping and Reporting Requirements

E.13. In order to document ongoing compliance with the emission limitations of Condition E.3, the permittee shall maintain monthly records of Sulfuric Acid Plant sulfur dioxide (SO_2) emissions for each emission unit. The records shall include the following for each day of the month:

a. daily acid production (in tons as 100% H_2SO_4);
b. hours operated;
c. daily average pounds/ton SO_2;

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

E.14. For each plant, the permittee shall submit a written report of excess sulfur dioxide emissions each calendar quarter in accordance with 40 CFR 60.7 (b) and (c) and Rule 62-296.402(4), F.A.C. Periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the applicable standard under 40 CFR 60.82. The excess emission report shall also include a statement of all periods during the quarter when the sulfur dioxide monitoring system was inoperative. The quarterly sulfur dioxide excess emission report shall be submitted to the Southwest District Office of the Department. All reports shall be postmarked by the 30th day following the end of each calendar quarter.
[Rules 62-204.800(7)(b)10, and 62-213.440(1)(b)2.b, F.A.C. and 40 CFR 60.7 and 60.84(e)]

E.15. For each plant, the permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system (sulfur dioxide) or monitoring device is inoperative. Records on monitoring system performance evaluations, calibrations and maintenance shall be maintained in accordance with 40 CFR 60.7(d).
[Rules 62-204.800(7)(b)10 and 62-213.440(1)(b)2.b, F.A.C. and 40 CFR 60.7]

E.16. The permittee 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.
[Rules 62-204.800(7)(b)10 and 62-213.440(b)2.b, F.A.C. and 40 CFR 60.7(d)]

Operational Procedures

E.17. Not federally enforceable. The permittee shall follow the *MEMORANDUM OF UNDERSTANDING REGARDING BEST OPERATIONAL START-UP PRACTICES FOR SULFURIC ACID PLANTS*; see page E.4.
[Signed and Executed on October 25, 1989, Rules 62-4.070(3) and 62-210.700(1), F.A.C.]

Not federally enforceable.

MEMORANDUM OF UNDERSTANDING
REGARDING BEST OPERATIONAL START-UP PRACTICES
FOR SULFURIC ACID PLANTS

These Sulfuric Acid Plant Best Operation Start-Up Practices will be made available in the control room at all times.

1. Only one sulfuric acid plant at a facility should be started up and burning sulfur at a time, There are times when it will be acceptable for more than one sulfuric acid plant to be in the start-up mode at the same time, provided the following condition is met. It is not acceptable to initiate sulfur burning at one sulfuric acid plant when another plant at the same facility is emitting SO_2 at a rate in excess of the emission limits imposed by the permit or rule, as determined by the CEMs emission rates for the immediately preceding 20 minutes.

2. A plant start-up must be at the lowest practicable operating rate, not to exceed 70 percent of the designated operating rate, until the SO_2 monitor indicates compliance, Because production rate is difficult to measure during start-up, if a more appropriate indicator (such as blower pressure, furnace temperature, gas strength, blower speed, number of sulfur guns operating, etc.) can be documented, tested and validated, the Department will accept this in lieu of directly documenting the operating rate. Implementation requires the development of a suitable list of surrogate parameters to demonstrate and document the reduced operating rate on a plant-by-plant basis. Documentation that the plant is conducting start-up at the reduced rate is the responsibility of the owner or operator.

3. Sulfuric acid plants are authorized to emit excess emissions from start-up for a period of three consecutive hours provided best operational practices, in accordance with this agreement, to minimize emissions are followed. No plant shall be operated (with sulfur as fuel) out of compliance for more than three consecutive hours, Thereafter, the plant shall be shut down, The plant shall be shut down (cease burning sulfur) if, as indicated by the continuous emission monitoring system, the plant is not in compliance within three hours of start-up, Restart may occur as soon as practicable following any needed repairs or adjustments, provided the corrective action is taken and properly documented.

4. Cold Start-Up Procedures.

a. Converter.

(1) The inlet and outlet temperature at the first two masses of catalyst shall be sufficiently high to provide immediate ignition when SO_2 enters the masses, In no event shall the inlet temperature to the first mass be less than 800°F or the outlet temperature to the first two masses be less than 700°F. These temperatures are the desired temperatures at the time the use of auxiliary fuel is terminated.

(2) The gas stream entering the converter shall contain SO_2 at a level less than normal, and sufficiently low to promote catalytic conversion to SO_3.

b. Absorbing Towers.

The concentration, temperature and flow of circulating acid shall be as near to normal conditions as reasonably can be achieved. In no event shall the concentration be less than 96 percent H_2SO_4.

5. Warm Restart.

a. Converter.

The inlet and outlet temperatures of the first two catalyst masses should be sufficiently high to ensure conversion. one of the following three conditions must be met:

(1) The first two catalyst masses inlet and outlet temperatures must be at a minimum of 700°F; or

(2) Two of the four inlet and outlet temperatures must be greater than or equal to 800°F; or

(3) The inlet temperature of the first catalyst must be greater than or equal to 600°F and the outlet temperature greater than or equal to 800°F. Also, the inlet and outlet temperatures of the second catalyst must be greater than or equal to 700°F.

Failure to meet one of the above conditions, requires use of cold start-up procedures.

To allow for technological improvements or individual plant conditions, alternative conditions will be considered by the Department in appropriate cases.

b. Absorbing Towers.

The concentration, temperature and flow of circulating acid shall be as near to normal conditions as reasonably can be achieved, In no event shall the concentration be less than 96 percent H_2SO_4.

Subsection F. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-021	Diammonium Phosphate Fertilizer Plant

The Diammonium Phosphate (DAP) Fertilizer Plant (No. 4) consists of a dryer, cooler, reactor and granulator. Emissions from the dryer pass through the venturi, cyclonic and cross-flow scrubbers. Emissions from the cooler pass through a separate cross-flow scrubber. Emissions from the reactor, granulator, screen vents and material handling systems pass through a separate RGV scrubbing system consisting of venturi, cyclonic and cross-flow scrubbers. The exhaust from all three processes is discharged through a common stack.

{Permitting note(s): These emissions units are regulated under NSPS - 40 CFR 60, Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants, adopted and incorporated by reference in Rule 62-204.800(7)(b)27., F.A.C.; Rule 62-212.300, F.A.C., General Preconstruction Review Requirements; 62-212.400, F.A.C., Prevention of Significant Deterioration; Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; and Rule 62-296.403, F.A.C., Phosphate Processing; 40 CFR 63, Subpart A - General Provisions; 40 CFR 63, Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.}

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

Essential Potential to Emit (PTE) Parameters

F.1. Capacity.

a. The maximum production rate for the diammonium phosphate fertilizer plant shall not exceed 261 tons of DAP per hour (daily average basis; 120 TPH @ 100% P_2O_5) and 2,170,212 tons of DAP per year.
b. The maximum heat input rate to the dryer shall not exceed 40 MMBtu per hour (daily average basis).

[Air Construction Permit AC53-246403/PSD-FL-211, Rule 62-4.160(2), F.A.C. and Rule 62-210.200, , Definitions - (PTE), F.A.C.]
{Permitting Note: See Conditions F.24 and F.25 for the NESHAP requirements for monitoring and recordkeeping of the equivalent P_2O_5 feed rate.}

F.2. Hours of Operation. The hours of operation for this emissions unit shall not exceed 8,500 hours in any 12 consecutive month period.
[Rule 62-210.200, Definitions - (PTE), F.A.C., Air Construction Permit AC53-246403/PSD-FL-211]

F.3. Methods of Operation - (i.e., Fuels).

a. The dryer shall be fired with natural gas as the primary fuel, or new No. 6 fuel oil. The No. 6 fuel oil is for emergency use only. The fuel oil shall contain no more than 2.4% sulfur, by weight.
b. The oil firing rate for the DAP Fertilizer Plant Dryer shall not exceed 200,000 gallons per year of No. 6 fuel oil.

[Rules 62-4.160(2), F.A.C. and 62-213.440(1), F.A.C., Air Construction Permit AC53-246403/PSD-FL-211, BACT determination November 14, 1994]

{Permitting notes: When this Subsection F refers to "No. 6 fuel oil" it applies equally to Nos. 2 through 5 fuel oil.}

Emission Limitations and Standards

F.4. Fluoride emissions from the Diammonium Phosphate Fertilizer Plant (No. 4) shall not exceed any of the following:

a. 0.06 pound of fluoride per ton of equivalent P_2O_5 feed (30 g/metric ton) ;
b. 5.50 pounds of fluoride per hour;
c. 23.40 tons of fluorides per year.

[40 CFR 60.222, Air Construction Permit AC53-246403/PSD-FL-211]

{Permitting Note: The fluoride emission limit in Condition F.4. of 0.06 lb/ton equivalent P_2O_5 feed is the same as the applicable NESHAP, 40 CFR 63.622(a) limit of 0.06 lb/ton of equivalent P_2O_5 feed. Therefore, it will remain in effect on and after the date that the initial performance (compliance) test is completed, but no later than the 40 CFR 63, Subpart BB compliance date, June 10, 2002. The permittee shall comply with the applicable requirements of the NESHAP, 40 CFR 63, Subparts A and BB, see NESHAP Conditions in this subsection as well as NESHAP Common Conditions in Subsection J.}

F.5. Particulate emissions from the Diammonium Phosphate Fertilizer Plant (No. 4) shall not exceed any of the following:

a. 0.19 pound of particulate per ton of equivalent P_2O_5 feed;
b. 22.8 pounds of particulate per hour;
c. 96.9 tons of particulate per year.

[Air Construction Permit AC53-246403/PSD-FL-211, BACT determination November 21, 1994]

F.6. Visible emissions shall be not exceed 10% opacity.
[Air Construction Permit AC53-246403/PSD-FL-211]

F.7. Fugitive emissions from the process, conveying and storage equipment shall be controlled by sealing and/or venting particulate matter and fumes from the equipment to the pollution abatement system.
[Air Construction Permit AC53-246403/PSD-FL-211]

Test Methods and Procedures

F.8. Test the Diammonium Phosphate Fertilizer Plant (No. 4) for particulates, fluorides, and visible emissions annually, on or during the 60 day period prior to August 5. ***For the fluorides only,*** starting no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002, the permittee shall test annually to demonstrate compliance with the applicable emission standards in Condition F.4.
[Rules 62-297.310(7)(a)4,and 62-4.070(4), F.A.C. .; 40 CFR 63.626(a)(1) and 63.630(a)]

F.9. Compliance with the emission limitations of Conditions F.4., F.5. and F.6. shall be determined using EPA Methods 1, 2, 3, 4, 5, 9, and 13A or 13B contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A. ***For the fluorides only,*** starting no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002, the permittee shall conduct the performance (compliance) test according to the procedures in 40 CFR 63, Subparts A and BB.
[Chapter 62-297, F.A.C.; 40 CFR 63.626(b) and 63.630(a)]

F.10. Compliance testing of the dryer shall be conducted while firing oil in the dryer, if No. 6 fuel oil has been used in the dryer for a sum total of more than 400 hours from the previous test. If a test is conducted while firing natural gas, and in the 12 month period following the test, fuel oil of any type is burned for a sum total of more 400 hours, then an additional emissions test (visible emissions and sulfur content) per Conditions F.6 and F.11 shall be conducted, while burning oil in that source, within 30 days of having exceeded the 400 hour oil burning limit.
[Rules 62-297.310(7)(b), and 62-4.070(3), F.A.C.]

F.11. If testing is conducted while firing fuel oil in the dryer, compliance with the sulfur content requirement of Condition F.3 shall be demonstrated during the test by submitting either of the following with the test report:

a. A Certificate of Fuel Oil Analysis from your fuel oil vendor for the fuel used during the compliance test; or
b. A Certificate of Fuel Oil Analysis for a fuel oil sample taken during the compliance test.

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

Monitoring of Operations

Conditions F.12, F.13, and F.14 are superceded by the applicable NESHAP, 40 CFR 63, Subparts A and BB requirements on or after the date that the initial performance (compliance) test is completed, but no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002.

F.12. The permittee shall calibrate, maintain, and operate a flow monitoring device which can be used to determine the mass flow of phosphorus-bearing feed material to the process. The monitoring device shall have an accuracy of ± 5% over its operating range.
[40 CFR 60.223(a)]

F.13. In order to provide reasonable assurance that the fluoride emission limitation is being met, the permittee shall create and keep a record log of the scrubber operating parameters. The record log shall contain, at a minimum:

a. the water flow rate (gallons per minute),
b. the scrubber pressure drop (inches of water),
c. the date and time of the measurements, and
d. the name of the person responsible for performing the measurements.

A record log entry for each scrubber shall be made at least once for every shift when the Ammonium Phosphate Fertilizer Plant operates.

NOTE: The permittee may substitute continuous monitoring and strip chart recordings for the manual recordkeeping required by this Condition.
[Rules 62-4.070(3), 62-4.160(14)(b), and 62-4.160(14)(c), F.A.C.]

F.14. The scrubbers shall be operated at or above the following minimum operating parameters established below:

Pollution Control Equipment	Parameter	Minimum Limitation	Units	Averaging Time
Cooler Scrubber	Flow (pond water)	250	GPM	3 hr
	Pressure Drop	1	in. H_2O	3 hr
Dryer Tailgas Scrubber	Flow (pond water)	1,100	GPM	3 hr
	Pressure Drop	4	in. H_2O	3 hr
RGV Tailgas Scrubber	Flow (pond water)	1,600	GPM	3 hr
	Pressure Drop	4	in. H_2O	3 hr
Dryer Venturi & Cyclonic	Flow (recovery soln)	250	GPM	3 hr
	Pressure Drop	4	in. H_2O	3 hr
RGV Venturi & Cyclonic	Flow (recovery soln)	900	GPM	3 hr
	Pressure Drop	13	in. H_2O	3 hr

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

Continuous Monitoring Requirements

Condition F.15 is superceded by the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions F.20 through F.29) and 40 CFR 63, Subpart A (See Subsection J. NESHAP Common Conditions) on or after the date that the initial performance (compliance) test is to be completed, but no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002.

F.15. The permittee shall calibrate, maintain and operate a monitoring device which continuously measures and permanently records total pressure drop across each scrubber system. The monitoring device shall have an accuracy of ± 5% over its operating range.
[40 CFR 60.223(c)]

Recordkeeping and Reporting Requirements

Condition F.16 is superceded by the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions F.20 through F.29) and 40 CFR 63, Subpart A (See Subsection J. NESHAP Common Conditions) on or after the date that the initial performance (compliance) test is to be completed, but no later than the compliance date of 40 CFR 63, Subpart BB, June 10, 2002.

F.16. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass in tons per hour of phosphorus-bearing feed using a monitoring device for determining mass flow rate which meets the requirements of F.12 and then by processing according to 40 CFR 60.224(b)(3).
[40 CFR 60.223(b)]

F.17. In order to document continuing compliance with the maximum sulfur content requirement of Condition F.3, the permittee shall maintain a record of the sulfur content of the fuel oil received for use in the dryer. These records may be based on vendor supplied information or analysis of samples taken by the permittee in accordance with Rule 62-297.440, F.A.C.
[Rule 62-4.070(3), F.A.C.]

F.18. A daily record log(s) shall be established and maintained to document, at a minimum, the following:

a. the quantity of natural gas and the quantity of No. 6 fuel oil utilized in the dryer.

b. the sulfur content (percent, by weight) of No. 6 fuel oil utilized in the dryer. The sulfur content may be based upon vendor supplied as-delivered oil sulfur content information, or an oil analysis.
c. the total hours of dryer operation using oil of any type.
d. the total hours of dryer operation using oil of any type for each rolling 12 consecutive month period (hours per 12 months).
e. hourly production of diammonium phosphate (daily average basis). [AC53-246403/PSD-FL-211]

[Rule 62-4.070(3), F.A.C.]
{Permitting Note: See NESHAP Conditions (Conditions F.20. through F.29) as well as NESHAP Common Conditions (Subsection J) for additional recordkeeping requirements.}

F.19. All test reports submitted to the Department shall include, at a minimum, the following information for the test period:

a. Type of fuel being fired.
b Heat input rate (MMBtu per hour) and firing rate (MCF per hour or gallons per hour).
c. Material process input rate (tons per hour) and production rate (tons per hour).
d Scrubber liquid flow rate (gpm).
e. If the test was conducted while firing natural gas, then include a statement of the total hours of dryer operation while firing fuel oil, of any type, during the 12 consecutive month period prior to the test.

Failure to submit the above information, or operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance.
[Rule 62-4.070(3), F.A.C.]
{Permitting Note: See NESHAP Conditions (Conditions F.20. through F.29) as well as NESHAP Common Conditions (Subsection J) for additional monitoring and recordkeeping requirements during performance tests.}

NESHAP Conditions

{Permitting Note: The permittee is responsible for maintaining compliance with the applicable requirements of and remaining up to date with any changes to 40 CFR 63, Subparts A and BB. The conditions indicated below and in Subsection J are current as of the date of this permit revision, DEP Project No. -016.}

F.20. The permittee shall achieve compliance with the requirements of 40 CFR 63, Subpart BB no later than June 10, 2002.
[40 CFR 63.630(a)]

F.21. This emissions unit is exempted from the requirements in NSPS, 40 CFR 60, Subpart V effective upon the date that the permittee demonstrates compliance with 40 CFR 63, Subpart BB.
[40 CFR 63.631]

F.22. This emissions unit is subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions, which are located in Subsection J.
[40 CFR 63, Appendix A of Subpart BB]

F.23. On or after the date on which the initial performance (compliance) test is completed, the permittee must maintain three-hour averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber within the allowable ranges established pursuant the requirements of 40 CFR 63.625(f)(1) or 63.625(f)(2), as indicated in Condition F.27.
[40 CFR 63.624]

F.24. The permittee shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of ± 5 % over its operating range.
[40CFR 63.625(a)]

F.25. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of 40 CFR 63.625(b) and then by proceeding according to 40 CFR 63.626(c)(3).
[40 CFR 63.625(b)]

F.26. The permittee shall install, calibrate, maintain, and operate the following monitoring systems:

A. **Pressure Drop.** A monitoring system which continuously measures and permanently records the pressure drop across each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ± 5 % over its operating range.

B. **Scrubbing Liquid Flow Rate.** A monitoring system which continuously measures and permanently records the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ± 5 % over its operating range.

[40CFR 63.625(c)]

F.27 Following the date on which the performance (compliance) test is completed per 40 CFR 62.626, the permittee must establish allowable ranges for operating parameters using the methodology of either of the following:

A. The allowable range for the daily averages of the pressure drop across each scrubber and the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ±20% of the baseline average value determined per 40 CFR 62.626(c)(4). The baseline average values used for compliance shall be the arithmetic averages of the three runs during the most recent performance (compliance) test. The permittee must notify the Department of the baseline average value and each time that the baseline value is changed as a result of the most recent performance test.

Or

B. The permittee can establish the allowable ranges of baseline average values based upon baseline average values recorded during previous performance tests or by using the results of a performance test conducted specifically to determine the baseline average values. The permittee shall certify that the control devices and processes have not been modified prior to testing upon which the data used to establish the allowable ranges were obtained. The arithmetic averages of the three runs during the performance test shall be used as the baseline average for the average pressure drop and the average scrubber liquid flow rate. The permittee shall establish and notify the Department for approval, allowable ranges of baseline average values for the pressure drop across and the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of compliance with 40 CFR 63,

Subpart BB. Until changes to allowable ranges of the baseline average values are approved by the Department, the allowable ranges shall be based upon the range of baseline average values proposed for approval.

The new baseline average value for either of the above shall be effective on the date following the performance test.
[40 CFR 63.625(f); 40 CFR 63.626(c)(4)]

F.28. The permittee shall determine compliance with the total fluorides standard as required in 40 CFR 63.626(c), based on the equivalent P_2O_5 computed as indicated in 40 CFR 63.626(c)(3).
[40 CFR 63.626(c)]

F.29. The permittee must comply with the notification requirements in 40 CFR 63.9 and the reporting and recordkeeping requirements in 40 CFR 63.10. The reporting requirements in 40 CFR 63.10 includes the initial and annual performance test reports, excess emissions reports, and the summary report.
[40 CFR 63.627]

Subsection G. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-045	Molten Sulfur System -- Stack 45 from Pit A, 200 ton molten sulfur pit
-046	Molten Sulfur System -- Vent 44 from 6,000 ton tank
-047	Molten Sulfur System -- Vent 43, 43A, 43B, 43C and 43D from 3,000 ton tank
-050	Molten Sulfur System -- Stack 47 from Pit B, 300 ton molten sulfur pit

The molten sulfur storage and handling system consists of the following: a rail and truck unloading system, one 3,000 ton molten sulfur storage tank, one 6,000 ton molten sulfur storage tank, one 200 ton molten sulfur truck/railcar unloading pit (Pit A), one 300 ton railcar unloading pit (Pit B), and all of the associated transfer pumps and piping

Molten sulfur from the (Pit A) 200 ton sulfur unloading pit is pumped directly to the No. 4, 5, and 6 sulfuric acid plants and to the No. 3 fertilizer plant at a combined rate of 2,630 tons per day. Sulfur in excess of that required to supply the sulfuric acid plants is pumped to either the 6,000 ton or the 3,000 ton molten sulfur storage surge tanks. The (Pit B) 300 ton railcar sulfur unloading pit is used to unload up to three 100 ton capacity railcars at a time, for a maximum unloading rate of 300 tons per hour. The (Pit A) 200 ton truck/railcar unloading pit has a maximum unloading rate, consisting of one 100-ton capacity railcar and eight 25-ton trucks, of 300 tons per hour. From the unloading pit, molten sulfur is transferred to either the 6,000 ton storage tank at a maximum rate of 108 tons per hour or the 3,000 ton storage tank at a maximum rate of 157 tons per hour. The molten sulfur storage pits are kept under forced draft ventilation at an airflow rate of approximately 2,700 acfm and exhausted to separate 40 foot tall stacks.

{Permitting note(s): This emissions unit is regulated under Rule 62-212.300, F.A.C., General Preconstruction Review Requirements; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD); Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; and Rule 62-296.411, F.A.C., Sulfur Storage and Handling Facilities.}

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

Essential Potential to Emit (PTE) Parameters

G.1. Capacity. The molten sulfur feed rate to the sulfuric acid plant shall exceed neither 2,630 tons per day (TPD), nor 960,000 tons per year (TPY).
[Air Construction Permit AC53-271436/PSD-FL-229, Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C.]

Emission Limitations and Standards

G.2. Visible emissions from any emission point in the molten sulfur system shall not exceed 20% opacity (six minute average).
[Rule 62.296.411(1)(g), F.A.C.]

G.3. For emission inventory and PSD purposes, the estimated maximum emissions from the sources in the molten sulfur storage and handling system are:

Pollutant	Total Emissions (TPY)	Maximum Emissions (lb/hr)
Sulfur particles emissions	5.35	1.28
TRS (as H_2S) emissions	6.56	1.56
SO_2	13.68	3.26
VOC emissions	9.75	2.32

[Air Construction permit AC53-271436/PSD-FL-229]

Test Methods and Procedures

G.4. Each identified emission point, Stack 45 from (Pit A) 200 ton molten sulfur pit, Vent 44 from 6,000 ton tank, Vent 43, 43A, 43B, 43C and 43D from 3,000 ton tank, and Stack 47 from (Pit B) 300 ton molten sulfur pit, shall be tested for visible emissions on or during the 180 day period prior to the expiration date of this permit.
[Rule 62-297.310(7)(a)3, F.A.C.]

G.5. Compliance with the visible emission limitation of Condition G.2 shall be determined using DEP Method 9 and shall be conducted by a certified observer and be a minimum of thirty (30) minutes in duration. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Rule 62-297, F.A.C.
[Rules 62-297.310(4)(a)2, and 62-296.411(1)(j)1., F.A.C.]

G.6. Testing of emissions must be conducted when the emission unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur.
[Rule 62-297.310(4)(a)2, F.A.C.]

Operating Practices

G.7. All molten sulfur transfer shall be through enclosed piping systems where feasible and practical. In user facilities, molten sulfur may be transferred by covered trench or a movable spout which is positioned over a receiving pit. Contact surfaces between stationary pipes shall seat effectively around the entire circumference to minimize spillage.
[Rule 62.296.411(1)(a), F.A.C.]

G.8. All areas surrounding points where molten sulfur pipes are routinely disconnected and areas where molten sulfur is transferred to trucks or railcars shall be paved and curbed within 20 feet of the point of disconnection or transfer to contain any spilled molten sulfur, or shall be provided with non-corrosive drip pans or other secondary containment, positioned to collect spills, that are adequate to contain amounts of sulfur that may escape during routine disconnection, re-connection or operation of the piping system.
[Rule 62-296.411(1)(b), F.A.C.]

G.9. All spilled molten sulfur shall be collected and properly disposed of whenever the containment area is filled to one-half its containment capacity, or monthly, whichever is more frequent. Spills of molten sulfur outside of a containment area, or where subject to vehicular traffic, shall be collected and disposed of as soon as possible, but no later than 24 hours after the spill occurs. Drip pans or other secondary containment shall be cleaned as needed to prevent exceedance of capacity, but at least weekly.
[Rule 62-296.411(1)(d), F.A.C.]

G.10. All vent surfaces shall be cleaned monthly to remove captured particles.
[Rule 62-296.411(1)(e), F.A.C.]

G.11. Any change in the method of operation or equipment which will cause an increase in the actual emissions may be considered a modification and must be reported to the Southwest District Office of the Department for proper processing prior to implementing the change.
[Rules 62-210.300 and 62-210.200(185), F.A.C.]

Recordkeeping and Reporting Requirements

G.12. The permittee shall maintain records of spills outside of containment areas and of collection and disposal of spilled sulfur.
[Rule 62-296.411(1)(f), F.A.C.]

G.13. In order to document compliance with the requirements of Condition G.1, the permittee shall maintain the following records at the facility and make them available to the Department upon request:

a. Daily molten sulfur receiving rate (in TPD) (East and West sulfur pits).
b. Monthly total sulfur receiving rate (tons per month) and cumulative total for the calendar year period (tons per year) (including sulfur loaded out to trucks).
c. Sulfuric acid plant daily sulfur utilization rate (tons per day).
d. Sulfuric acid plant monthly total sulfur utilization rate (tons per month) and cumulative total for the calendar year period (tons year).

[Rules 62-4.070(3) and 62-213.440(1)(b)2.b., F.A.C.]

Subsection H. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-051	Package Watertube Boiler

The Package Watertube Boiler is used during cold start-up of the sulfuric acid plant(s) and for make-up steam during times the sulfuric acid plant(s) are operating below capacity and it is routinely fired for maintenance purposes. The maximum steam capacity of this boiler is 50,000 pounds per hour. This boiler is fired with natural gas as the primary fuel with new No. 5 fuel oil or better grade of fuel oil as the back-up fuel. The maximum heat input rate to this boiler is 64.0 MMBtu per hour. Fuel oil will be fired only during natural gas curtailment at a maximum of 400 hours per year.

{Permitting note(s): These emissions units are regulated under Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with less than 250 Million Btu per Hour Heat Input, New and Existing Emissions Units.}

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

Essential Potential to Emit (PTE) Parameters

H.1. Capacity.

a. The maximum heat input to the Package Watertube Boiler shall not exceed 64.0 MMBtu per hour (daily average basis).
b. The maximum fuel usage rate shall not exceed 443 gallons per hour (daily average basis) of new No. 5 fuel oil or a better grade oil[(1)].
c. The maximum fuel usage rate shall not exceed 64,000 ft^3 per hour of natural gas(daily average basis).

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C., Air Construction Permit AC53-221062]

H.2. Methods of Operation - (i.e., Fuels).

a. The Package Watertube Boiler shall be fired only with natural gas as the primary fuel with new No. 5 fuel oil or a better grade oil[(1)] as the back-up fuel.
b. The fuel oil shall contain no more than 1.5% sulfur, by weight.
c. Fuel oil shall fired only during natural gas curtailment and only at a maximum of 400 hours per year.

New oil means an oil that has been refined from crude oil and has not been used and which may or may not contain additives. Waste/Recycled oil shall be not fired in this process steam boiler without prior approval from the Department.

[Rules 62-4.160(2), 62-213.440(1), and 62-296.406(2) and (3), F.A.C., Air Construction Permit AC53-221062]

[(1)]Better Grade Fuel Oil

A better grade fuel oil is defined as a fuel with a higher ranking in the following list:

Better Grade (Top of List)
new, No. 2 fuel oil
new, No. 3 fuel oil
new, No. 4 fuel oil
new, No. 5 fuel oil
new, No. 6 fuel oil

Emission Limitations and Standards

H.3. Visible emissions shall not exceed 20% opacity except for one two-minute period per hour during which opacity shall not exceed 40%.
[Rule 62-296.406(1), F.A.C.]

Test Methods and Procedures

H.4. The Package Watertube Boiler shall be tested for visible emissions annually, on or during the 60 day period prior to April 2.
[Rule 62-297.310(7)(a)4, F.A.C.]

H.5. Compliance with the visible emission (VE) limitation of Condition H.3 shall be determined using EPA Method 9 contained in Chapter 62-297, F.A.C. The visible emissions test shall be conducted by a certified observer and be a minimum of sixty (60) minutes in duration. The visible emissions test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. The minimum requirements for stationary point source emission test procedures and reporting shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60 Appendix A.
[Rules 62-297, F.A.C. and 62-297.310(4)(a)2, F.A.C.]

H.6. Compliance with the sulfur content limitation of Condition H.2 shall be demonstrated during the visible emission compliance test by submitting either of the following with the visible emission test report:

a. A Certificate of Fuel Oil Analysis indicating the weight percent sulfur content and the heat content from the fuel oil supplier for the fuel oil used during the compliance test.

b. A Certificate of Fuel Oil Analysis for an as-burned fuel oil sample taken during the compliance test indicating the weight percent sulfur content and the heat content.

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

H.7. The visible emissions compliance test could be waived, on a year by year basis, if fuel oil has not been fired in this boiler for more than 400 hours for the previous 12 months and if it is not expected to be fired in this boiler for more than 400 hours during the next 12 months. Each year, when the VE test is due, a letter must be sent to Southwest District Office of the Department stating that the above limitations for the waiver have been satisfied. Regardless of fuel usage, a visible emissions test shall be conducted during the six month period prior to the expiration date of this permit.
[Rule 62-296.310, F.A.C.]

Recordkeeping and Reporting Requirements

H.8. The permittee shall submit a statement of the fuel in use, and the fuel heat input rate for each boiler, as a part of the compliance test report. Failure to submit the fuel in use, heat input rate, fuel oil sulfur content, or operating at conditions which do not reflect the normal operating conditions, may invalidate the test and fail to provide reasonable assurance of compliance.
[Rule 62-4.070(3), F.A.C.]

H.9. In order to document compliance with the rate limitations of Condition H.1, the permittee shall maintain daily records of the type of fuel fired, the quantity of fuel fired, burned, and the total hours of operation for the boiler.
[Rule 62-4.070(3), F.A.C.]

H.10. In order to document compliance with Condition H.2, daily records shall be maintained of the sulfur content, in % by weight, of the fuel oil fired in the boiler.
{Permitting Note: SO_2 analysis of each batch of fuel oil will suffice for this Condition.}
[Rules 62-4.070(3), and 62-213.440(1)(b)2.b., F.A.C.]

Subsection I. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-052	Phosphogypsum Stack

Phosphogypsum stack.

{Permitting note(s): This emissions unit is regulated under Rule 40 CFR 61 Subpart A and R (National Emission Standards for Hazardous Air Pollutants -- General Provisions; and National Emission Standards for Radon Emissions from Phosphogypsum Stacks.).}

The following conditions apply to the emissions unit(s) listed above:

I.1. The permittee shall comply with 40 CFR 61 Subpart A and R (National Emission Standards for Hazardous Air Pollutants -- General Provisions; and National Emission Standards for Radon Emissions from Phosphogypsum Stacks).

I.2. The following specific conditions are a verbatim copy of 40 CFR 61 Subpart R-National Emission Standards for Radon Emissions From Phosphogypsum Stacks:

§61.200 Designation of facilities.

The provisions of this subpart apply to each owner or operator of a phosphogypsum stack, and to each person who owns, sells, distributes, or otherwise uses any quantity of phosphogypsum which is produced as a result of wet acid phosphorus production or is removed from any existing phosphogypsum stack.

§ 61.201 Definitions.

As used in this subpart, all terms not defined here have the meaning given them in the Clean Air Act or subpart A of part 61. The following terms shall have the following specific meanings:

(a) Inactive stack means a stack to which no further routine additions of phosphogypsum will be made and which is no longer used for water management associated with the production of phosphogypsum. If a stack has not been used for either purpose for two years, it is presumed to be inactive.

(b) Phosphogypsum is the solid waste byproduct which results from the process of wet acid phosphorus production.

(c) Phosphogypsum stacks or stacks are piles of waste resulting from wet acid phosphorus production, including phosphate mines or other sites that are used for the disposal of phosphogypsum.

§61.202 Standard.

Each person who generates phosphogypsum shall place all phosphogypsum in stacks. Phosphogypsum may be removed from a phosphogypsum stack only as expressly provided by this subpart. After a phosphogypsum-gypsum stack has become an inactive stack, the owner or operator shall assure that the stack does not emit more than 20 pCi/m^2-s of radon-222 into the air.

§61.203 Radon monitoring and compliance procedures.

(a) Within sixty days following the date on which a stack becomes an inactive stack, or within ninety days after the date on which this subpart first took effect if a stack was already inactive on that date, each owner or operator of an inactive phosphogypsum stack shall test the stack for radon-222 flux in accordance with the procedures described in 40 CFR part 61, appendix B, Method 115. EPA shall be notified at least 30 days prior to each such emissions test so that EPA may, at its option, observe the test. If meteorological conditions are such that a test cannot be properly conducted, then the owner or operator shall notify EPA and test as soon as conditions permit.

(b) (1) Within ninety days after the testing is required, the owner or operator shall provide EPA with a report detailing the actions taken and the results of the radon-222 flux testing. Each report shall also include the following information:

(i) The name and location of the facility;

(ii) A list of the stacks at the facility including the size and dimensions of each stack;

(iii) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different);

(iv) A description of the control measures taken to decrease the radon flux from the source and any actions taken to insure the long term effectiveness of the control measures; and

(v) The results of the testing conducted, including the results of each measurement.

(2) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: ``I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on may inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

(c) If the owner or operator of an inactive stack chooses to conduct measurements over a one year period as permitted by Method 115 in appendix B to part 61, within ninety days after the testing commences the owner or operator shall provide EPA with an initial report, including the results of the first measurement period and a schedule for all subsequent measurements. An additional report containing all the information in §61.203(b) shall be submitted within ninety days after completion of the final measurements.

(d) If at any point an owner or operator of a stack once again uses an inactive stack for the disposal of phosphogypsum or for water management, the stack ceases to be in inactive status and the owner or operator must notify EPA in writing within 45 days. When the owner or operator ceases to use the stack for disposal of phosphogypsum or water management, the stack will once again become inactive and the owner or operator must satisfy again all testing and reporting requirements for inactive stacks.

(e) If an owner or operator removes phosphogypsum from an inactive stack, the owner shall test the stack in accordance with the procedures described in 40 CFR part 61, appendix B, Method 115. The stack shall be tested within ninety days of the date that the owner or operator first removes phosphogypsum from the stack, and the test shall be repeated at least once during each calendar year that the owner or operator removes additional phosphogypsum from the stack. EPA shall be notified at least 30 days prior to an emissions test so that EPA may, at its option, observe the test. If meteorological conditions are such that a test cannot be properly conducted, then the owner shall notify EPA and test as soon as conditions permit. Within ninety days after completion of a test, the owner or operator shall provide EPA with a report detailing the actions taken and the results of the radon-222 flux testing. Each such report shall include all of the information specified by §61.203(b).

§61.204 Distribution and use of phosphogypsum for agricultural purposes.

Phosphogypsum may be lawfully removed from a stack and distributed in commerce for use in agriculture if each of the following requirements is satisfied:

(a) The owner or operator of the stack from which the phosphogypsum is removed shall determine annually the average radium-226 concentration at the location in the stack from which the phosphogypsum will be removed, as provided by 61.207.

(b) The average radium-226 concentration at the location in the stack from which the phosphogypsum will be removed, as determined pursuant to 61.207, shall not exceed 10 picocuries per gram (pCi/g).

(c) All phosphogypsum distributed in commerce for use in agriculture by the owner or operator of a phosphogypsum stack shall be accompanied by a certification document which conforms to the requirements of 61.208(a).

(d) Each distributor, retailer, or reseller who distributes phosphogypsum for use in agriculture shall prepare certification documents which conform to the requirements of §61.208(b).

§61.205 Distribution and use of phosphogypsum for research and development.

(a) Phosphogypsum may be lawfully removed from a stack and distributed in commerce for use in research and development activities if each of the following requirements is satisfied:

(1) The owner or operator of the stack from which the phosphogypsum is removed shall determine annually the average radium-226 concentration at the location in the stack from which the phosphogypsum will be removed, as provided by §61.207.

(2) All phosphogypsum distributed in commerce by the owner or operator of a phosphogypsum stack, or by a distributor, retailer, or reseller, or purchased by the end-user, shall be accompanied at all times by certification documents which conform to the requirements of §61.208.

(b) Phosphogypsum may be purchased and used for research and development purposes if the following requirements are satisfied:

(1) Each quantity of phosphogypsum purchased by a facility for a particular research and development activity shall be accompanied by certification documents which conform to the requirements of §61.208.

(2) No facility shall purchase or possess more than 700 pounds of phosphogypsum for a particular research and development activity.

(3) Containers of phosphogypsum used in research and development activities shall be labeled with the following warning:

Caution: Phosphogypsum Contains Elevated Levels of Naturally Occurring Radioactivity

(4) For each research and development activity in which phosphogypsum is used, the facility shall maintain records which conform to the requirements of 61.209(c).

(c) Phosphogypsum not intended for distribution in commerce may be lawfully removed from a stack by an owner or operator to perform laboratory analyses required by this subpart or any other quality control or quality assurance analyses associated with wet acid phosphorus production.

§61.206 Distribution and use of phosphogypsum for other purposes.

(a) Phosphogypsum may not be lawfully removed from a stack and distributed or used for any purpose not expressly specified in 61.204 or 61.205 without prior EPA approval.

(b) A request that EPA approve distribution and/or use of phosphogypsum for any other purpose must be submitted in writing and must contain the following information:

(1) The name and address of the person(s) making the request.

(2) A description of the proposed use, including any handling and processing that the phosphogypsum will undergo.

(3) The location of each facility, including suite and/or building number, street, city, county, state, and zip code, where any use, handling, or processing of the phosphogypsum will take place.

(4) The mailing address of each facility where any use, handling, or processing of the phosphogypsum will take place, if different from paragraph (b)(3) of this section.

(5) The quantity of phosphogypsum to be used by each facility.

(6) The average concentration of radium-226 in the phosphogypsum to be used.

(7) A description of any measures which will be taken to prevent the uncontrolled release of phosphogypsum into the environment.

(8) An estimate of the maximum individual risk, risk distribution, and incidence associated with the proposed use, including the ultimate disposition of the phosphogypsum or any product in which the phosphogypsum is incorporated.

(9) A description of the intended disposition of any unused phosphogypsum.

(10) Each request shall be signed and dated by a corporate officer or public official in charge of the facility.

(c) The Assistant Administrator for Air and Radiation may decide to grant a request that EPA approve distribution and/or use of phosphogypsum if he determines that the proposed distribution and/or use is at lease as protective of public health, in both the short term and the long term, as disposal of phosphogypsum in a stack or a mine.

(d) If the Assistant Administrator for Air and Radiation decides to grant a request that EPA approve distribution and/or use of phosphogypsum for a specified purpose, each of the following requirements shall be satisfied:

(1) The owner or operator of the stack from which the phosphogypsum is removed shall determine annually the average radium-226 concentration at the location in the stack from which the phosphogypsum will be removed, as provided by 61.207.

(2) All phosphogypsum distributed in commerce by the owner or operator of a phosphogypsum stack, or by a distributor, retailer, or reseller, or purchased by the end-user, shall be accompanied at all times by certification documents which conform to the requirements 61.208.

(3) The end-user of the phosphogypsum shall maintain records which conform to the requirements of 61.209(c).

(e) If the Assistant Administrator for Air and Radiation decides to grant a request that EPA approve distribution and/or use of phosphogypsum for a specified purpose, the Assistant Administrator may decide to impose additional terms or conditions governing such distribution or use. In appropriate circumstances, the Assistant Administrator may also decide to waive or modify the recordkeeping requirements established by 61.209(c).

§61.207 Radium-226 sampling and measurement procedures.

(a) Before removing phosphogypsum from a stack for distribution to commerce pursuant to §61.204, §61.205, or §61.206, the owner or operator of a phosphogypsum stack shall measure the average radium-226 concentration at the location in the stack from which phosphogypsum will be removed. Measurements shall be performed for each such location prior to the initial distribution in commerce of phosphogypsum removed from that location and at least once during each calendar year while distribution of phosphogypsum removed from the location continues.

(b) The radium-226 concentration shall be determined in accordance with the analytical procedures described in 40 CFR part 61, appendix B, Method 114.

(c) Phosphogysum samples shall be taken at regularly spaced intervals across the surface of the location in the phosphogypsum stack from which phosphogypsum will be removed.

(d) The minimum number of samples considered necessary to determine a representative average radium-226 concentration for the location on the stack to be analyzed shall be calculated as follows:

(1) Obtain the measured mean and standard deviation of 30 regularly spaced phosphogypsum samples.

(2) Solve the following equation for the number of samples required to achieve a 95% confidence interval:

$$e = \frac{\tau (n)s}{xvn}$$

where:

τ is the students - τ distribution,
s = measured standard deviation of the radium-226 concentration,
x = measured mean of the radium-226 concentration,
e = allowable error (expressed as a fraction), and
n = number of samples.

See Reference 1 of Method 115 in appendix B to part 61 for a detailed discussion of this statistical technique.

(3) If the number of samples required is greater than 30, then obtain and analyze the necessary number of additional samples and recalculate the average radium-226 concentration using the combination of the results of the original 30 samples and additional samples. The additional samples shall also be regularly spaced across the surface of the location in the phosphogypsum stack from which phosphogypsum will be removed.

§61.208 Certification requirements.

(a) (1) The owner or operator of a stack from which phosphogypsum will be removed and distributed in commerce pursuant to 61.204, 61.205, or 61.206 shall prepare a certification document for each quantity of phosphogypsum which is distributed in commerce which includes:

(i) The name and address of the owner or operator;
(ii) The name and address of the purchaser or recipient of the phosphogypsum;
(iii) The quantity (in pounds) of phosphogypsum sold or transferred;
(iv) The date of sale or transfer;

(v) A description of the intended end-use for the phosphogypsum;

(vi) The average radium-226 concentration, in pCi/g, of the phosphogypsum, as determined pursuant to §61.207; and

(vii) The signature of the person who prepared the certification.

(2) The owner or operator shall retain the certification document for five years from the date of sale or transfer, and shall produce the document for inspection upon request by the Administrator, or his authorized representative. The owner or operator shall also provide a copy of the certification document to the purchaser or recipient.

(b) (1) Each distributor, retailer, or reseller who purchases or receives phosphogypsum for subsequent resale or transfer shall prepare a certification document for each quantity of phosphogypsum which is resold or transferred which includes:

(i) The name and address of the distributor, retailer, or reseller;

(ii) The name and address of the purchaser or recipient of the phosphogypsum;

(iii) The quantity (in pounds) of phosphogypsum resold or transferred;

(iv) The date of resale or transfer;

(v) A description of the intended end-use for the phosphogypsum;

(vi) A copy of each certification document which accompanied the phosphogypsum at the time it was purchased or received by the distributor, retailer, or reseller; and

(vii) The signature of the person who prepared the certification.

(2) The distributor, retailer, or reseller shall retain the certification document for five years from the date of resale or transfer, and shall produce the document for inspection upon request by the Administrator, or his authorized representative. For every resale or transfer of phosphogypsum to a person other than an agricultural end-user, the distributor, retailer, or reseller shall also provide a copy of the certification document to the purchaser or transferee.

§61.209 Required records.

(a) Each owner or operator of a phosphogypsum stack must maintain records for each stack documenting the procedure used to verify compliance with the flux standard in 61.202, including all measurements, calculations, and analytical methods on which input parameters were based. The required documentation shall be sufficient to allow an independent auditor to verify the correctness of the determination made concerning compliance of the stack with flux standard.

(b) Each owner or operator of a phosphogypsum stack must maintain records documenting the procedure used to determine average radium-226 concentration pursuant to §61.207, including all measurements, calculations, and analytical methods on which input parameters were based. The required documentation shall be sufficient to allow an independent auditor to verify the accuracy of the radium-226 concentration.

(c) Each facility which uses phosphogypsum pursuant to §61.205 or §61.206 shall prepare records which include the following information:

(1) The name and address of the person in charge of the activity involving use of phosphogypsum.

(2) A description of each use of phosphogypsum, including the handling and processing that the phosphogypsum underwent.

(3) The location of each site where each use of phosphogypsum occurred, including the suite and/or building number, street, city, county, state, and zip code.

(4) The mailing address of each facility using phosphogypsum, if different from paragraph (c)(3) of this section.

(5) The date of each use of phosphogypsum.

(6) The quantity of phosphogypsum used.

(7) The certified average concentration of radium-226 for the phosphogypsum which was used.

(8) A description of all measures taken to prevent the uncontrolled release of phosphogypsum into the environment.

(9) A description of the disposition of any unused phosphogypsum.

(d) These records shall be retained by the facility for at least five years from the date of use of the phosphogypsum and shall be produced for inspection upon request by the Administrator, or his authorized representative.

§61.210 Exemption from the reporting and testing requirements of 40 CFR 61.10.

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.

Section III. Emissions Unit(s) and Conditions (continued).

Subsection J. NESHAP Common Conditions

E.U. ID No.	Brief Description
-001	Ammonium/Diammonium Phosphate Plant
-010	Phosphoric Acid Plant (No. 4 -- V-Train, No. 5 -- U-Train)
-021	Diammonium Phosphate Fertilizer Plant

The following conditions apply to the NESHAP's emissions units listed above:

40 CFR 63 Subpart A - General Provisions
§ 63.1 Applicability.
(a) *General.*

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

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

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

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

(5) [Reserved]

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

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

(8) Subpart E of this part contains regulations that provide for the establishment of procedures consistent with section 112(l) of the Act for the approval of State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. Subpart E also

establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

(9) [Reserved]

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

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

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

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

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

(b) *Initial applicability determination for this part.*

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

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

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

(2) In addition to complying with the provisions of this part, the owner or operator of any such source may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to title V of the Act (42 U.S.C. 7661). For more information about obtaining an operating permit, see part 70 of this chapter.

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

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

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

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

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

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

(iii) Area sources affected by that emission standard are immediately subject to the requirement to apply for and obtain a title V permit in all States. If a standard fails to specify what the permitting requirements will be for area sources affected by that standard, then area sources that are subject to the standard will be subject to the requirement to obtain a title V permit without deferral. If the owner or operator is required to obtain a title V permit, he or she shall apply for such permit in accordance with part 70 of this chapter and applicable State regulations, or in accordance with the regulations contained in this chapter to implement the Federal title V permit program (42 U.S.C. 7661), whichever regulations are applicable.

(3) [Reserved]

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

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

(d) [Reserved]

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

§ 63.2 Definitions. [Additional definitions in §63.601 and §63.621]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A description as follows:

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

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

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

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

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

Compliance schedule means:

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

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

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

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

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

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

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

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

Effective date means:

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

(2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part. The effective date of a permit program established under title V of the Act (42 U.S.C. 7661) is determined according to the regulations in this chapter establishing such programs.

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

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

EPA means the United States Environmental Protection Agency.

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

standard had been promulgated by the Administrator under this part pursuant to section 112(d) or section 112(h) of the Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Permitting authority means:

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

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

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

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

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

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

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

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

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

Responsible official means one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

(1) The provisions of this part and/or

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

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

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

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

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

§ 63.3 Units and abbreviations.

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

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

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

(b) Other units of measure:

Btu = British thermal unit
°C = degree Celsius (centigrade)
cal = calorie
cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet
d = day
dcf = dry cubic feet

dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
°F = degree Fahrenheit
ft = feet
ft^2 = square feet
ft^3 = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent
g-mole = gram mole
hr = hour
in. = inch
in. H_2O = inches of water
K = 1,000
kcal = kilocalorie
lb = pound
lpm = liter per minute
meq = milliequivalent
min = minute
MW = molecular weight
oz = ounces
ppb = parts per billion
ppbw = parts per billion by weight
ppbv = parts per billion by volume
ppm = parts per million
ppmw = parts per million by weight
ppmv = parts per million by volume
psia = pounds per square inch absolute
psig = pounds per square inch gage
°R = degree Rankine
scf = cubic feet at standard conditions
scfh = cubic feet at standard conditions per hour
scm = cubic meter at standard conditions
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd^2 = square yards
yr = year

(c) Miscellaneous:

act = actual
avg = average
I.D. = inside diameter
M = molar
N = normal

O.D. = outside diameter
% = percent

§ 63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.*

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

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

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

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

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

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

(4) [Reserved]

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

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

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

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

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

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

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

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

§ 63.5 Construction and reconstruction.

(a) *Applicability.*

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

(2) After the effective date of a relevant standard promulgated under this part, the requirements in this section apply to owners or operators who construct a new source or reconstruct a source after the

proposal date of that standard. New or reconstructed sources that start up before the standard's effective date are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

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

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

(2) [Reserved]

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

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

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

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

(c) [Reserved]

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

(1) *General application requirements.*

(i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section shall submit to the Administrator an application for approval of the construction of a new major affected source, the reconstruction of a major affected source, or the reconstruction of a major source such that the source becomes a major affected source subject to the standard. The application shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no

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

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

(A) The applicant's name and address;

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

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

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

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

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

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

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

(I) [Reserved]

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

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

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

(3) *Application for approval of reconstruction.* Each application for approval of reconstruction shall include, in addition to the information required in paragraph (d)(1)(ii) of this section - (i) A brief description of the affected source and the components that are to be replaced;

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

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

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

(v) A discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements. The

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

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

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

(e) *Approval of construction or reconstruction.*

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

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

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

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

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

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

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

within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

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

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

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

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

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

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

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

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

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

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

(i) The owner or operator of the new or reconstructed source has undergone a preconstruction review and approval process in the State in which the source is (or would be) located before the promulgation date of the relevant standard and has received a federally enforceable construction permit that contains a finding that the source will meet the relevant emission standard as proposed, if the source is properly built and operated; (ii) In making its finding, the State has considered factors substantially equivalent to those specified in paragraph (e)(1) of this section; and either

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

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

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

this section. The Administrator may request additional relevant information after the submittal of a request for approval of construction or reconstruction under this paragraph.

§ 63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.*

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

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

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

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

(b) *Compliance dates for new and reconstructed sources.*

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

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

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

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

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

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

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

(6) [Reserved]

(7) After the effective date of an emission standard promulgated under this part, the owner or operator of an unaffected new area source (i.e., an area source for which construction or reconstruction was commenced after the proposal date of the standard) that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source that is subject to the emission

standard, shall comply with the relevant emission standard immediately upon becoming a major source. This compliance date shall apply to new area sources that become affected major sources regardless of whether the new area source previously was affected by that standard. The new affected major source shall comply with all requirements of that standard that affect new sources.

(c) *Compliance dates for existing sources.*

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

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

(3)–(4) [Reserved]

(5) After the effective date of an emission standard promulgated under this part, the owner or operator of an unaffected existing area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source that is subject to the emission standard shall comply by the date specified in the standard for existing area sources that become major sources. If no such compliance date is specified in the standard, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in that standard for other existing sources. This compliance period shall apply to existing area sources that become affected major sources regardless of whether the existing area source previously was affected by that standard. Notwithstanding the previous two sentences, however, if the existing area source becomes a major source by the addition of a new affected source or by reconstructing, the portion of the existing facility that is a new affected source or a reconstructed source shall comply with all requirements of that standard that affect new sources, including the compliance date for new sources.

(d) [Reserved]

(e) *Operation and maintenance requirements.*

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

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

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

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

(3) *Startup, shutdown, and malfunction plan.*

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

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

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

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

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

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

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

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

available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

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

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

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

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

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

(viii) If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator shall revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control equipment.

(f) *Compliance with nonopacity emission standards* -

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

(2) *Methods for determining compliance.*

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

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

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

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

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

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

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

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

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

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

(g) *Use of an alternative nonopacity emission standard.*

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

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

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

(h) **[Not applicable - Subparts AA and BB do not include VE/opacity standards.]**

(i) *Extension of compliance with emission standards.*

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

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

(i) *Early reductions.* Pursuant to section 112(i)(5) of the Act, if the owner or

operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of subpart D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in subpart D.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Specify the termination date of the extension;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) [Reserved]

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

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

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.*

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

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

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

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

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

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

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

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

(vii) [Reserved]; or (viii) [Reserved]; or

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

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

(b) *Notification of performance test.*

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

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

(c) *Quality assurance program.*

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

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

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

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

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

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

(3) *Approval of site-specific test plan.*

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

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

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

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

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

(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator shall refrain from conducting the performance test until the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or until after the alternative method is approved (see paragraph (f) of this section). If the Administrator does not approve the site-specific test plan (if review is requested) or the use of the alternative method within 30 days before the test is scheduled to begin, the performance test dates specified in paragraph (a) of this section may be extended such that the owner or operator shall conduct the performance test within 60 calendar days after the Administrator approves the site-specific test plan or after use of the alternative method is approved. Notwithstanding the requirements in the preceding two sentences, the owner or operator
may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alter-native.

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

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

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

(4) (i) *Performance test method audit program.* The owner or operator shall analyze performance audit (PA) samples during each performance test. The owner or operator shall request performance audit materials 45 days prior to the test date. Cylinder audit gases may be obtained by contacting the Cylinder Audit Coordinator, Quality Assurance Division (MD–77B), Atmospheric Research and Exposure Assessment Laboratory (AREAL), U.S. EPA, Research Triangle Park, North Carolina 27711. All other audit materials may be obtained by contacting the Source Test Audit Coordinator, Quality Assurance Division (MD–77B), AREAL, U.S. EPA, Research Triangle Park, North Carolina 27711.

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

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

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

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

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

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

(2) Safe sampling platform(s);

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

(4) Utilities for sampling and testing equipment; and

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

(e) *Conduct of performance tests.*

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

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

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology; or

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

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

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

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

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

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

(iii) Extreme meteorological conditions occur; or

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

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

(f) *Use of an alternative test method* -

(1) *General.* Until permission to use an alternative test method has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

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

(i) Notifies the Administrator of his or her intention to use an alternative test method not later than with the submittal of the site-specific test plan (if requested by the Administrator) or at least 60 days before the performance test is scheduled to begin if a site-specific test plan is not submitted;

(ii) Uses Method 301 in appendix A of this part to validate the alternative test method; and

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

(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate when the Administrator approves or disapproves the site-specific test plan required under paragraph (c) of this section. If the Administrator finds reasonable grounds to dispute the results obtained by the Method 301 validation process, the Administrator may require the use of a test method specified in a relevant standard.

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

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

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

(g) *Data analysis, recordkeeping, and reporting.*

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

(2) [Reserved]

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

(h) *Waiver of performance tests.*

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

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

(3) Request to waive a performance test.

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

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

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

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

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

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

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

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

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

§ 63.8 Monitoring requirements.

(a) *Applicability.*

(1) (i) Unless otherwise specified in a relevant standard, this section applies to the owner or operator of an affected source required to do monitoring under that standard.

(ii) Relevant standards established under this part will specify monitoring systems, methods, or procedures, monitoring frequency, and other pertinent requirements for source(s) regulated by those standards. This section specifies general monitoring requirements such as those governing the conduct of monitoring and requests to use alternative monitoring methods. In addition, this section specifies detailed requirements that apply to affected sources required to use continuous monitoring systems (CMS) under a relevant standard.

(2) **[Not applicable. Subparts AA and BB do not require CMS performance specifications.]**

(3) [Reserved]

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

(b) *Conduct of monitoring.*

(1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator -

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

(ii) Approves the use of alternatives to any monitoring requirements or procedures.

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

(2) (i) When the effluents from a single affected source, or from two or more affected sources, are combined before being released to the atmosphere, the owner or operator shall install an applicable CMS on each effluent.

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

(A) Approved by the Administrator; or

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

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

(c) Operation and maintenance of continuous monitoring systems.

(1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.

(i) The owner or operator of an affected source shall ensure the immediate repair or replacement of CMS parts to correct "routine" or otherwise predictable CMS malfunctions as defined in the source's startup, shutdown, and malfunction plan required by § 63.6(e)(3). The owner or operator shall keep the necessary parts for routine repairs of the affected equipment readily available. If the plan is followed and the CMS repaired immediately, this action shall be reported in the semiannual startup, shutdown, and malfunction report required under § 63.10(d)(5)(i).

(ii) For those malfunctions or other events that affect the CMS and are not addressed by the startup, shutdown, and malfunction plan, the owner or operator shall report actions that are not consistent with the startup, shutdown, and malfunction plan within 24 hours after commencing actions inconsistent with the plan. The owner or operator shall send a followup report within 2 weeks after commencing actions inconsistent with the plan that either certifies that corrections have been made or includes a corrective action plan and schedule. The owner or operator shall provide proof that repair parts have been ordered or any other records that would indicate that the delay in making repairs is beyond his or her control.

(iii) The Administrator's determination of whether acceptable operation and maintenance procedures are being used will be based on information that may include, but is not limited to, review of operation and maintenance procedures, operation and maintenance records, manufacturing recommendations and specifications, and inspection of the CMS. Operation and maintenance procedures written by the CMS manufacturer and other guidance also can be used to maintain and operate each CMS.

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

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

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

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

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

(5) **[Not applicable. Subparts AA and BB do not require COMS/CEMS or CMS performance specifications.]**

(6) **[Not applicable. Subparts AA and BB do not require COMS/CEMS or CMS performance specifications.]**

(7) **[Not applicable. Subparts AA and BB do not require COMS/CEMS or CMS performance specifications.]**

(8) **[Not applicable. Subparts AA and BB do not require COMS/CEMS or CMS performance specifications.]**

(d) *Quality control program.*

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

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

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

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

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

(iv) Data recording, calculations, and reporting;

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

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

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

(e) *Performance evaluation of continuous monitoring systems* – **[Not applicable. Subparts AA and BB do not require CMS performance evaluations.]**

(f) *Use of an alternative monitoring method* –

(1) *General.* Until permission to use an alternative monitoring method has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

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

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

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

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

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

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

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

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

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

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

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

(4) (i) Request to use alternative monitoring method. An owner or operator who wishes to use an alternative monitoring method shall submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section, below. The application may be submitted at any time provided that the monitoring method is not used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring method is to be used to demonstrate compliance with a relevant standard, the application shall be submitted not later than with the site-specific test plan required in § 63.7(c) (if requested) or with the site-specific performance evaluation plan (if requested) or at least 60 days before the performance evaluation is scheduled to begin.

(ii) The application shall contain a description of the proposed alternative monitoring system and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application shall include information justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

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

(5) Approval of request to use alternative monitoring method.

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of

the original request and within 30 calendar days after receipt of any supplementary information that is submitted. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with -

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

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

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

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

(6) **[Not applicable. Subparts AA and BB do not require CEMS.]**

(g) *Reduction of monitoring data.*

(1) The owner or operator of each CMS shall reduce the monitoring data as specified in this paragraph. In addition, each relevant standard may contain additional requirements for reducing monitoring data. When additional requirements are specified in a relevant standard, the standard will identify any unnecessary or duplicated requirements in this paragraph that the owner or operator need not comply with.

(2) **[Not applicable. Subparts AA and BB do not require COMS or CEMS.]**

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or ng/J of pollutant).

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

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

§ 63.9 Notification requirements.

(a) *Applicability and general information.*

(1) The requirements in this section apply to owners and operators of affected sources that are subject to the provisions of this part, unless specified otherwise in a relevant standard.

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

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

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

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

(b) *Initial notifications.*

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

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

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

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

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

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

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

(iv) A brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant; and

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

(3) The owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date of a relevant standard under this part and for which an application for approval of construction or reconstruction is not required under § 63.5(d), shall notify the Administrator in writing that the source is subject to the relevant standard no later than 120 days after initial startup. The notification shall provide all the information required in paragraphs (b)(2)(i) through (b)(2)(v) of this section, delivered or postmarked with the notification required in paragraph (b)(5).

(4) The owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of a relevant standard under this part and for which an application for approval of construction or reconstruction is required under § 63.5(d) shall provide the following information in writing to the Administrator:

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

(ii) A notification of the date when construction or reconstruction was commenced, submitted simultaneously with the application for approval of construction or reconstruction, if construction or reconstruction was commenced before the effective date of the relevant standard;

(iii) A notification of the date when construction or reconstruction was commenced, delivered or postmarked not later than 30 days after such date, if construction or reconstruction was commenced after the effective date of the relevant standard;

(iv) [Reserved]; and

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

(5) After the effective date of any relevant standard established by the Administrator under this part, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, an owner or operator who intends to construct a new affected source or reconstruct an affected source subject to such standard, or reconstruct a source such that it becomes an affected source subject to such standard, shall notify the Administrator, in writing, of the intended construction or reconstruction. The notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard) if the construction or reconstruction commences after the effective date of a relevant standard promulgated in this part. The notification shall be submitted as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard promulgated in this part if the construction or reconstruction had commenced and initial startup had not occurred before the standard's effective date. The notification shall include all the information required for an application for approval of construction or reconstruction as specified in § 63.5(d). For major sources, the application for approval of construction or reconstruction may be used to fulfill the requirements of this paragraph.

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

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

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

(f) [No applicable. Subparts AA and BB do not include VE/opacity standards.]

(g) **[Not applicable. Subparts AA and BB do not require CMS performance evaluation, COMS, or CEMS.]**

(h) *Notification of compliance status.*

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

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

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

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

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

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

(E) An analysis demonstrating whether the affected source is a major source or an area source (using the emissions data generated for this notification);

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

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

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

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

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in § 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of § 63.5, the owner

or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

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

(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.*

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

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

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

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

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

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

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information.*

(1) The requirements of this section apply to owners or operators of affected sources who are subject to the provisions of this part, unless specified otherwise in a relevant standard.

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

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

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

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

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

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

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

(b) *General recordkeeping requirements.*

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

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

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

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

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

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

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

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

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

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

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this sections, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under § 63.8(f)(6); and

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

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

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

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

(2)–(4) [Reserved]

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

(6) **[Not Applicable. Subparts AA and BB do not require CMS performance specifications.]**;

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

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

(9) [Reserved]

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

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

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

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

(14) **[Not Applicable. Subparts AA and BB do not require CMS performance specifications.]**

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup,

shutdown, and malfunction plan specified in § 63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) *General reporting requirements.*

(1) Not-withstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

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

(3) **[Not Applicable. Subparts AA and BB do not include VE/opacity standards.]**

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

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

(ii) Immediate startup, shutdown, and malfunction reports. Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with

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

(e) *Additional reporting requirements for sources with continuous monitoring systems* -

(1) **[Not Applicable. Subparts AA and BB do not require CEMS or CMS performance evaluations.]**

(2) **[Not Applicable. Subparts AA and BB do not require CEMS or CMS performance evaluations.]**

(3) *Excess emissions and continuous monitoring system performance report and summary report.* **[§63.606(c)(2) includes additional requirements A CMS performance report is not required.]**

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

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

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

(C) [Reserved].

(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports. Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

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

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

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

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire

previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

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

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

(vi) *Summary report.* As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report - Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information: (A) The company name and address of the affected source;

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

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

(D) A brief description of the process units;

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

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

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

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

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

startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

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

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

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

(M) The date of the report.

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

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

(4) **[Not applicable. Subparts AA and BB do not require COMS.]**

(f) *Waiver of recordkeeping or reporting requirements.*

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

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

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

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

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

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

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

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

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

§ 63.11 Control device requirements.

(a) *Applicability.* This section contains requirements for control devices used to comply with provisions in relevant standards. These requirements apply only to affected sources covered by relevant standards referring directly or indirectly to this section.

(b) **[Not Applicable.]**

§ 63.12 State authority and delegations.

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

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

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

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

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

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

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

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

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

EPA Region IV; Director; Air, Pesticides and Toxics, Management Division; 61 Forsyth Street; Atlanta, GA 30303.

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

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

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC, at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M Street, SW., Washington, DC, and at the EPA Library (MD–35), U.S. EPA, Research Triangle Park, North Carolina.

(b) The materials listed below are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

(1) ASTM D1946–77, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 63.11(b)(6).

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

(3) ASTM D2879–83, Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for § 63.111 of subpart G of this part.

(4) ASTM D 3695–88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for § 63.365(e)(1) of subpart O of this part.

(5) ASTM D 1193–77, Standard Specification for Reagent Water, IBR approved for Method 306, section 4.1.1 and section 4.4.2, of appendix A to part 63.

(6) ASTM D 1331–89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Method 306B, section 2.2, section 3.1, and section 4.2, of appendix A to part 63.

(7) ASTM E 260–91, Standard Practice for Packed Column Gas Chromatography, IBR approved for § 63.750(b)(2) of subpart GG of this part.

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

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

(10) ASTM D2369–93, Standard Test Method for Volatile Content of Coatings, IBR approved for § 63.788 appendix A.

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

(12) ASTM D4017–90, Standard Test Method for Water and Paints and Paint Materials by Karl Fischer Method, IBR approved for § 63.788 appendix A.

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

(14) ASTM D4256–89 [reapproved 1994], Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 63.782.

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

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

(17) ASTM E260–91, Standard Practice for Packed Column Gas Chromatography, IBR approved for § 63.786(b).

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

(19) ASTM D2879-97, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for Sec. 63.1251 of subpart GGG of this part.

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

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for § 63.111 of subpart G of this part.

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

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

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

(1) California Regulatory Requirements Applicable to the Air Toxics Program, April 6, 1998, IBR approved for § 63.99(a)(5)(ii) of subpart E of this part.

(2) [Reserved]

§ 63.15 Availability of information and confidentiality.

(a) *Availability of information.*

(1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.

(2) The availability to the public of information provided to or otherwise obtained by the Administrator under this part shall be governed by part 2 of this chapter.

(b) *Confidentiality.*

(1) If an owner or operator is required to submit information entitled to protection from disclosure under section 114(c) of the Act, the owner or operator may submit such information separately. The requirements of section 114(c) shall apply to such information.

(2) The contents of a title V permit shall not be entitled to protection under section 114(c) of the Act; however, information submitted as part of an application for a title V permit may be entitled to protection from disclosure.