NOTICE OF FINAL TITLE V AIR OPERATION PERMIT

In the Matter of an
Application for Permit Renewal:

Carey G. MacConnell	FINAL Permit Project No.: 1050046-018-AV
Facility Manager	Bartow Facility
Mosaic Fertilizer, L.L.C. 3200 Highway 60 West Bartow, FL 33830	Polk County

Enclosed is the FINAL Permit, No. 1050046-018-AV. The purpose is for the renewal of the Title V Air Operation Permit and to incorporate the terms and conditions of a construction permits, No. 1050046-008-AC, 1050046-017-AC, and 1050046-022-AC. The facility is located in Polk County. This permit renewal is issued pursuant to Chapter 403, Florida Statutes (F.S.). There were no comments received from Region 4, U.S. EPA, regarding the PROPOSED Permit.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and, by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

Trina L Vielhauer

Trina Vielhauer, Chief
Bureau of Air Regulation

TV/rlb

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL TITLE V AIR OPERATION PERMIT (including the FINAL Determination and the FINAL Permit) was sent by certified mail or electronically (with Received Receipt) before the close of business on 9/30/05 to the person(s) listed or as otherwise noted:

Carey G. MacConnell, Mosaic Fertilizer, L.L.C., 3200 Highway 60 West, Bartow, FL 33830

The undersigned duly designated deputy agency clerk hereby certifies that a copy of this NOTICE OF FINAL TITLE V AIR OPERATION PERMIT was sent by U.S. Mail or electronically (with Received Receipt) before the close of business on 9/30/05 to the person(s) listed or as otherwise noted:

Scott McCann, P.E., Golder Associates, Inc.
Phil Steadham, Environmental Supervisor, Mosaic Fertilizer, LLC
Jason Waters, DEP- SWD
Barbara Friday, BAR [barbara.friday@dep.state.fl.us] (for posting with Region 4 , U.S. EPA)

Clerk Stamp

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Barbara J. Friday 9/30/05
(Clerk) (Date)

FINAL Determination

Title V Air Operation Permit Renewal
FINAL Permit No.: 1050046-018-AV
Mosaic Fertilizer, LLC
Bartow Facility

I. Comment(s).

No comments were received from the USEPA during their 45 day review period of the PROPOSED Permit.

II. Conclusion.

In conclusion, the permitting authority hereby issues the FINAL Permit.

STATEMENT OF BASIS

Mosaic Fertilizer, LLC
Bartow Facility
Facility ID No.: 1050046
Polk County

Title V Air Operation Permit Renewal
FINAL Permit Project No.: 1050046-018-AV

This Title V Air Operation Permit Renewal 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.

The subject of this permit is the renewal of Title V Air Operation Permit 1050046-003-AV and the incorporation of construction permit, No.1050046-008 -AC, issued on April 21, 1999, the incorporation of construction permit 1050046-017-AC, issued on February 12, 2003, the incorporation of construction permit 1050046-022-AC, the incorporation of the collocated Mosaic Mulberry permit, No. 1050048-001-AV, and the incorporation of the Department approved Alternative Monitoring Plan for scrubbers at the Bartow Facility.

The Mulberry facility was acquired from Mulberry Phosphates, Inc. in August, 2002. The Bartow and Mulberry facilities are contiguous properties, and will be permitted under the same Title V operation permit. The Bartow facility consists of one phosphoric acid plant (two trains), one diammonium phosphate/ monoammonium phosphate (MAP/DAP) plant, one DAP fertilizer plant, three sulfuric acid plants, two fertilizer shipping plants, one boiler, and one molten sulfur storage and handling system. The Mulberry facility consists of one sulfuric acid plant, one boiler, and one molten sulfur storage and handling system. The regulated Mulberry emissions units (EU) will be designated as EU Nos. 054 to EU 060.

The Ammonium/Diammonium Phosphate Plant (No. 3) has a design capacity of 3000 tons per day of MAP/DAP. The process consists of a dryer, a cooler, a reactor/granulator and screen vents. 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 dust suppressant. The No. 3 Fertilizer Shipping Plant has a maximum permitted MAP/DAP product railcar loading rate of 385.0 tons per hour. The product loading system includes material conveyors, transfer points, two parallel screens, surge bin, weigh belt and loading spouts. Loading is done via a chute feeder which is also controlled by full-time utilization of dust suppressant to control the generation of dust. 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. 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 High Velocity and High Efficiency mist eliminators. 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 scrubbing system consisting of venturi, cyclonic and cross-flow scrubbers. 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. 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. EU No. 054 is a double absorption sulfuric acid plant at a phosphate fertilizer facility. This plant is designed to produce a maximum of 1,700 tons per day of sulfuric acid (100% H_2SO_4 basis). Sulfur is burned in air first dried by passing through concentrated sulfuric acid in a drying tower. The resulting sulfur dioxide passes through converter units w/catalyst, through an intermediate absorption tower, through a final converter w/catalyst, and then through a final absorption tower (double absorption). Acid mist emissions from the final absorption tower are controlled by a Brink HV Demister. Waste heat from the process is also used to cogenerate electric power. For the operation of a Nebraska Model NS-E-65 Process Steam Boiler, EU No. 055, this boiler shall be fired with natural gas as the primary fuel with new No. 2 fuel oil as backup during natural gas curtailment. EU Nos. 56-60 are the Mulberry molten sulfur loading and storage. Molten sulfur is delivered by tank truck and unloaded by gravity into the truck pit. Pumps in the pit forward the liquid to storage tanks. Emissions of particulates are controlled by pit covers. The four storage tank vents are uncontrolled. CAM does not apply to any of the emissions units at both the Bartow and Mulberry facilities.

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

Based on the Title V Air Operation Permit Renewal application received April 4, 2003, this facility is a major source of hazardous air pollutants (HAPs).

Mosaic Fertilizer, LLC
Bartow Facility
Facility ID No.: 1050046
Polk County

Title V Air Operation Permit Renewal
FINAL Permit No.: 1050046-018-AV
Renewal 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: 813/744-6084

Title V Air Operation Permit Renewal
FINAL Permit No.: 1050046-018-AV
Renewal to the Title V Air Operation Permit No.: 1050046-003-AV
Table of Contents

IV. Appendices and Attachments (listed in sequence as attached)

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.

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Carey G. MacConnell
Facility Manager
Mosaic Fertilizer, L.L.C.
~~3200 Highway 60 West~~
Bartow, Florida ~~33830~~

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jan Hurley ☒ Agent ☐ Addressee

B. Received by (Printed Name) JAN Hurley C. Date of Delivery 10-4-05

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No
PO BOX 9002
33831

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1160 0004 3034 3373

PS Form 11, February 2004 Domestic Return Receipt 102595-04-1

7005 1160 0004 3034 3373

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Carey G. MacConnell, Facility Manager OFFICIAL USE

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Return Receipt Fee (Endorsement Required)	
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Total Postage & Fees	$

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Sent To
Carey G. MacConnell, Facility Manager
Street, Apt. No.; or PO Box No. 3200 Highway 60 West
City, State, ZIP+4
Bartow, Florida 33830

PS Form 3800, June 2002 See Reverse for Instructions

Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

Permittee:
Mosaic Fertilizer, LLC.
3200 Highway 60 West
Bartow, FL 33830

FINAL Permit No.: 1050046-018-AV
Facility ID No.: 1050046
SIC Nos.: 28, 2874, 2819
Project: Title V Air Operation Permit Revision

The purpose of this permit is to renew the Title V Air Operation Permit 1050046-003-AV, incorporate the collocated Mosaic Mulberry permit, No. 1050048-001-AV, incorporate the terms of Air Construction Permits 1050046-008-AC, 1050046-017-AC, and 1050046-022-AC, and incorporate the Department approved Alternative Monitoring Plan for scrubbers at the Bartow Facility. 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 Renewal 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
40 CFR 63 Subparts A, AA, and BB
Alternative Monitoring Plan for Scrubbers: No. 3-C-AP

Initial Effective Date: September 28, 2005
Renewal Application Due Date: March 31, 2010
Expiration Date: September 27, 2010

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Michael G. Cooke, Director
Division of Air Resource Management

MC/jkp/rlb

Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of one phosphoric acid plant (two trains), one diammonium phosphate/ monoammonium phosphate (MAP/DAP) plant, one DAP fertilizer plant, four sulfuric acid plants, two fertilizer shipping plants, two boilers, and two molten sulfur storage and handling systems.

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

Based on the renewal application, facility processes, and initial notification requirements of 40 CFR 63, Subparts AA and BB, this facility is a major source of hazardous air pollutants (HAPs). CAM does not apply to emissions units at both the Bartow and Mulberry facilities.

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	Bartow Phosphogypsum Stack
-054	No. 3 Sulfuric Acid Plant
-055	Auxiliary Process Steam Boiler
-056	Molten Sulfur Storage/Handling--Truck Delivery Pit
-057	Molten Sulfur Storage/Handling--Storage Tank, North Vent
-058	Molten Sulfur Storage/Handling--Storage Tank, Southeast Vent
-059	Molten Sulfur Storage/Handling--Storage Tank, Southwest Vent
-060	Molten Sulfur Storage/Handling--Storage Tank, Middle Vent

Unregulated Emissions Units and/or Activities

-053	Facility Wide Fugitive Emissions
-061	Waste Heat Boiler/Flash Tank Discharge
-062	Tank Truck Loading/Unloading of Sulfuric Acid
-063	Industrial Cooling Towers
-064	Process and Product Storage Tanks
-065	Auxiliary Power Generators and Diesel Fuel Tanks
-066	Molten Sulfur Fire and Spill Cleanup
-067	VOC From Solvent Cleaning of Small Parts
-068	Welding, Grinding, and Cutting Metal from Maintenance Vehicles
-069	Fugitive Dust/Exhaust Emissions From Maintenance Vehicles

-070 Miscellaneous Painting and Relining Rubber-Lined Vessels
-071 Vehicle Fleet Fuel Storage Tanks
-072 Sulfuric Acid Plant Catalyst Removal and Classifying

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
Title V Renewal Application Received April 4, 2003
Request for Additional Information dated May 29, 2003
Additional Information Response received September 2, 2003
Additional Information Received October 28, 2003
Request for Additional Information dated November 24, 2003
Additional Information Received December 2, 2003
Alternative Monitoring Plan issued January 22, 2004
Request for Additional Information dated April 13, 2004
Request for Additional Information dated May 11, 2004
Additional Information received June 16, 2004 (Mulberry Application)
Additional Information Response received June 25, 2004
Alternative Monitoring testing results received June 28, 2004
Request for Additional Information sent July 23, 2004
Additional Information Received September 3, 2004
Additional Information Response received November 8, 2004
Comments on initial draft permit received February 10, 2005
Air Construction permit application received March 15, 2005

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 112(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 1515
Lanham-Seabrook, Maryland 20703-1515
Telephone: 301/429-5018

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. 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.]

8. 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.]

9. 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 15 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 62-297.310, F.A.C.]

10. 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.]

11. 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.}

12. 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]

13. 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.]

14. 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.]

15. 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

16. 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

17. 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.

18. This permit includes a "Subsection" for each emissions unit that includes a description of the emissions unit. That description is descriptive only and is not enforceable.

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 3000 tons per day 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 40 MMBtu per hour. Emissions from the dryer are controlled by a venturi scrubber and a cyclone scrubber. Exhaust from the dryer scrubber goes through a packed bed tailgas scrubber. Emissions from the granulator are also controlled by a venturi scrubber and cyclonic scrubber. The reactor and vents have a separate venturi and cyclonic scrubber as does the cooler. Exhaust from the granulator, reactor, vents and cooler go to a separate packed tailgas scrubber. The tailgas scrubbers exhaust goes to a common stack.

{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 (NESHAP) From Phosphate Fertilizers Production Plants. **The Part 40 CFR 63 Subparts A and BB take precedence, however these units are subject to all applicable State Implementation Plan (SIP) rules if these units are out of compliance with the NESHAP.**}

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

Essential Potential to Emit (PTE) Parameters

A.1. Capacity.
a. The maximum permitted production rate for the ammonium/diammonium phosphate plant shall not exceed 3000 tons per day of DAP or MAP product.
b. The maximum production rate shall not exceed 61.25 tons per hour of 100 percent phosphoric acid (P_2O_5) input.
c. The maximum heat input rate to the dryer is limited to 40 MMBtu per hour.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, Definitions - (PTE), F.A.C., Air Construction Permit 1050046-008-AC]
{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 1.5% 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. No. 6 fuel oil with a maximum content of 1.5% sulfur by weight may be fired up to a maximum of 338,000 gallons per year. Firing rate of either fuel shall not exceed 40 MMBtu per hour. The permittee shall maintain records of the fuel oil supplier's sulfur content analysis.
[Rules 62-4.160(2), and 62-213.440(1), F.A.C., and Air Construction Permit 1050046-008-AC]

(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

A.3. Hours of Operation: This emissions unit is allowed to operate 8760 hours per year.
[Air Construction Permit 1050046-008-AC]

Emission Limitations and Standards
A.4. Fluoride emissions from the Ammonium/Diammonium Phosphate Plant (No. 3) shall not exceed 0.041 pound of fluoride per ton of equivalent P_2O_5 feed or 2.5 pounds of fluoride per hour or 10.95 TPY, whichever is less.
[Rule 62-296.403(1), F.A.C. and Air Construction Permit 1050046-008-AC]
{Permitting Note: The fluoride emission limit in Condition A.4. of 0.041 lb/ton equivalent P_2O_5 feed is less than the applicable NESHAP, 40 CFR 63.622(a) limit of 0.06 lb/ton of equivalent P_2O_5 feed. The permittee shall comply with the applicable requirements of the NESHAP, 40 CFR 63, Subparts A and BB.}

A.5. Particulate emissions from the Ammonium/Diammonium Phosphate Plant (No. 3) shall not exceed 11.0 pounds per hour and 48.2 TPY based on 0.18 lb/ton P_2O_5.
[Air Construction Permit 1050046-008-AC]

A.6. Visible emissions shall be less than 15% opacity. 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 62-296.320(4)(a)(2) and (b) , F.A.C. and Air Construction Permit 1050046-008-AC]

A.7. 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]

A.8. 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.]

A.9. 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.]

A.10. In case of excess emissions resulting from a malfunction, the permittee shall immediately notify the Air Compliance Section of the Southwest District Office of the Department of Environmental Protection

in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rule 62-210.700(6), F.A.C.]

Test Methods and Procedures

A.11. Test the Ammonium/Diammonium Phosphate Plant (No. 3) for particulates, fluorides, and visible emissions annually.
[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.12. 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.
[Chapter 62-297, F.A.C.; 40 CFR 63.626(b) and 63.630(a)]

A.13. 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., A.5., and A.6. shall be conducted, while burning oil in that source, within 30 days of having exceeded the 400 hour oil burning limit. 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.14. 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.15, A.16, and A.17 are applicable to the monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions A.20 through A.29) and 40 CFR 63, Subpart A.

A.15. 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, and Air Construction Permit 1050046-008-AC]

A.16. 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.17. The pollution control equipment shall be operated in accordance with the Department approved Alternate Monitoring Plan for the scrubbers associated with this unit. Modification of the Alternate Monitoring Plan requires Department approval as referenced in Condition A.27.
[Rule 62-4.070(3)]

Continuous Monitoring Requirements
Condition A.18 is applicable to NESHAP, 40 CFR 63, Subparts A and BB.
A.18. 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, and Air Construction Permit 1050046-008-AC]

Recordkeeping and Reporting Requirements
Condition A.19 is applicable to NESHAP, 40 CFR 63, Subparts A and BB.
A.19. 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.12 and then by processing according to 40 CFR 60.224(b)(3).
[40 CFR 60.223(b)]

A.20. 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.21. 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.23. through A.33.) as well as 40 CFR 63, Subpart A for additional recordkeeping requirements.}

A.22. All test reports submitted to the Air Compliance Section of the Southwest District Office of 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.23 through A.33) as well as 40 CFR 63, Subpart A, for additional monitoring and recordkeeping requirements during performance tests.}

NESHAP Conditions

A.23. 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.24. 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.25. This emissions unit is subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions.
[40 CFR 63, Appendix A of Subpart BB]

A.26. On or after the date on which the initial performance (compliance) test is completed, the permittee must maintain daily 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.27. 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.28. 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.29. 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.30. Following the date on which the performance test required in § 63.626 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in this subpart must establish allowable ranges for operating parameters using the methodology of either paragraph (f)(1) or (2) of this section:

(1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ± 20 percent of the baseline average value determined as a requirement of § 63.626(c)(4) or (d)(4). The Administrator retains the right to reduce the ± 20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but, in no instance shall the adjustment be reduced to less than ± 10 percent. The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. The baseline average values used for compliance shall be based on the values determined during the most recent performance test. The new baseline average value shall be effective on the date following the performance test.

(2) The owner or operator of any new or existing affected source shall establish, and provide to the Administrator for approval, allowable ranges of baseline average values for the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with this subpart. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in this subpart and established in the manner required in § 63.626(c)(4) or (d)(4). As an alternative, the owner or operator can establish the allowable ranges of baseline average values using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in this subpart and established in the manner required in § 63.626(c)(4) or (d)(4). The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges of baseline average values developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges of baseline average values. When a source using the methodology of this paragraph is retested, the owner operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters from previous tests. Any new allowable ranges of baseline average values resulting from the most recent performance test shall be effective on the date following the retest. Until changes to allowable ranges of baseline average values are approved by the Administrator, the allowable ranges for use in § 63.624 shall be based upon the range of baseline average values proposed for approval.
[40 CFR 63.625(f)]

A.31. To comply with § 63.625(f)(1) or (2), the owner or operator shall use the monitoring systems in § 63.625(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of § 63.625(f)(1) or (2).
[40 CFR 63.626(c)(4)]

A.32. 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.33. 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]

A.34. This emission unit is subject to specific requirements of 40 CFR 63, Subpart BB, Appendix A to Subpart BB – Applicability to General Provisions to Subpart BB, and alternative MACT monitoring plan (Administrative Order No. 03-C-AP, dated 01/22/2004). The owner or operator is responsible for remaining in compliance with any updates made to Subpart A or BB. To establish operating parameters for this emissions unit, the owner or operator must comply /and demonstrate with the following:

1) Must comply with all conditions of the Order No. 03-C-AP,
2) Must comply with all applicable requirements of Subparts A and BB,
3) Specifically notify the department the testing will be for establishing allowable ranges for this emissions unit according to Subparts A and BB,
4) All tests must be precisely conducted according to the MACT standards and all applicable test methods,
5) All tests must clearly demonstrate compliance with all MACT standards and applicable test methods and requirements,
6) All tests shall be submitted to the Department in accordance with Subparts A and BB,
7) The test results will become the new allowable ranges after the Department has had 30 days to review the test results. Failure to meet any requirements of this condition, Subpart A or BB, or the alternate plan will negate use of any new ranges derived from the test.

[40 CFR 63- Subpart A, 40 CFR 63- Subpart BB, and Administrative Order No. 3-C-AP, Alternate MACT Monitoring Plan]

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 dust suppressant.

An evacuation scrubber dust control system is used to control moisture in the building. The scrubber will be allowed to operate only when dust suppressant is being applied to control PM emissions. Any deviation from 100% dust suppressant to control PM emissions will result in compliance action and submittal of a Compliance Assurance Monitoring (CAM) Plan by the permittee for the scrubber.

{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 will be controlled 100% by dust suppressant.
[Applicant Request, Letter dated October 28, 2004]

B.4. Any deviation from 100% dust suppressant to control PM emissions will result in compliance action and submittal of a Compliance Assurance Monitoring (CAM) Plan by the permittee for the scrubber. The conditions for the scrubber will remain in the permit. The scrubber will be used for moisture control in shipping building during loading operations.
[Rule 62-4.070(3), F.A.C.]

B.5. 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.6. Visible emissions from the No. 4 Fertilizer Shipping Plant evacuation scrubber dust control system shall be less than 20% opacity. 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 62-296.320(4)(a)(2) and (b), F.A.C., BACT Determination of January 2, 1981]

B.7. 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.
[Rule 62-4.070(3), F.A.C., Air Construction Permit AC53-239194, requested by permittee, December 6, 1993, Applicant Request, Letter dated October 28, 2004]

Test Methods and Procedures

B.8. Test the No. 4 Fertilizer Shipping Plant exhaust stack for particulates, and visible emissions annually. 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.9.
[Rules 62-297.310(7)(a)4, F.A.C. and 62-4.070(4), F.A.C.]

B.9. 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.10. 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.11. 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.12. In order to document compliance with Conditions B.1, B.2 and B.11, 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;
    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 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 385.0 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 full-time utilization of dust suppressant to control the generation of dust.

{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 385.0 tons per hour (average daily basis) and 2,310,000 tpy (12 consecutive month basis).
[Rule 62-4.160(2), F.A.C., Rule 62-210.200, Definitions - (PTE), F.A.C., Air Construction Permit 1050046-017-AC]

C.2. Hours of Operations The hours of operation for this emissions unit shall not exceed 6,000 hours per any 12 month consecutive period.
[Rule 62-210.200, Definitions - (PTE), F.A.C., as requested by permittee, August 5, 1994, Air Construction Permit 1050046-017-AC]

Emission Limitations and Standards

C.3. 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. Full-time utilization of dust suppressant is used to control the generation of dust.
[Rule 62-4.070(3), F.A.C., requested by permittee, August 5, 1994]

Test Methods and Procedures

C.4. Test the No. 3 Fertilizer Shipping Plant for visible emissions annually. A performance test on the dust suppressant dust control system shall be conducted as specified in Condition C.5.
[Rules 62-297.310(7)(a)4, F.A.C. and 62-4.070(3), F.A.C.]

C.5. 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]

Recordkeeping and Reporting Requirements

C.6. In order to document compliance, the permittee shall maintain the following records:
a. Quantity of product loaded out each day (tons/day);
b. If suppressant oil was being used to control particulate emissions, a description of, and rate of application of the suppressant oil (gallons/minute or hour);

[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 (NSPS) 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 (NESHAP) From Phosphoric Acid Manufacturing Plants. **The Part 40 CFR 63 Subparts A and AA take precedence over NSPS standards, but will not take precedence over BACT determinations. However these units are subject to all applicable NSPS standards if these units are out of compliance with the NESHAP. State Implementation Plan (SIP) rules apply if these units are out of compliance with the NSPS standards or if there is no applicable NSPS standard when out of compliance with the NESHAP}**

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, and may operate 8760 hours per year.
[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. See Conditions D.16 and D.17 for NESHAP requirements for monitoring and recordkeeping of the equivalent P_2O_5 feed rate.}
(1) **"Equivalent P_2O_5 Feed Rate"** - the quantity of phosphorus, expressed as phosphorous pentoxide, feed to the process.

Emission Limitations and Standards

D.2. The total fluoride emissions[(2)] 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)]
(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 as approved by the Department.

D.3. 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.]

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

D.5. In case of excess emissions resulting from a malfunction, the permittee shall immediately notify the Air Compliance Section of the Southwest District Office of the Department of Environmental Protection in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rule 62-210.700(6), F.A.C.]

Test Methods and Procedures

D.6. The permittee shall test the emissions from Nos. 4 and 5 Phosphoric Acid Train scrubbers, and No. 3 Filter process scrubber simultaneously. 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.7. 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.8. and D.9 are applicable to the monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart AA (See NESHAP Conditions D.15 through D.26) and 40 CFR 63, Subpart A.

D.8. The pollution control equipment shall be operated in accordance with the Department approved Alternate Monitoring Plan for the scrubbers associated with this unit. Modification of the Alternate Monitoring Plan requires Department approval as referenced in Condition D.22.
[Rule 62-4.070(3), F.A.C.]

D.9. 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.10 and D.11 are applicable to the monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart AA (See NESHAP Conditions D.15 through D.26) and 40 CFR 63, Subpart A.

D.10 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.11. 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.12. and D.13 are applicable to the monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart AA (See NESHAP Conditions D.15 through D.26) and 40 CFR 63, Subpart A.

D.12. 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.13. The monitoring devices required by Conditions D.10 and D.11 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 by 5:00 p.m., or 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.14. 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.]

NESHAP Conditions

D.15. 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.16. 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.17. This emissions unit is subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions.
[40 CFR 63, Appendix A of Subpart AA]

D.18. On or after the date on which the initial performance (compliance) test is completed, the permittee shall maintain daily 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.19. 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.20. 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.21. 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.22. Following the date on which the performance test required in § 63.606 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in this subpart must establish allowable ranges for operating parameters using the methodology of either paragraph (d)(1) or (2) of this section:

(1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is $\pm$ 20 percent of the baseline average value determined as a requirement of § 63.606(c)(4), (d)(4), or (e)(2). The Administrator retains the right to reduce the $\pm$ 20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of

emissions is near the value of an applicable emissions standard, but, in no instance shall the adjustment be reduced to less than ± 10 percent. The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. The baseline average values used for compliance shall be based on the values determined during the most recent performance test. The new baseline average value shall be effective on the date following the performance test

(2) The owner or operator of any new or existing affected source shall establish, and provide to the Administrator for approval, allowable ranges of baseline average values for the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with this subpart. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in this subpart and established in the manner required in § 63.606(c)(4), (d)(4), or (e)(2). As an alternative, the owner or operator can establish the allowable ranges of baseline average values using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in this subpart and established in the manner required in § 63.606(c)(4), (d)(4), or (e)(2). The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges of baseline average values developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges of baseline values. When a source using the methodology of this paragraph is retested, the owner operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters from previous tests. Any new allowable ranges of baseline average values resulting from the most recent performance test shall be effective on the date following the retest. Until changes to allowable ranges of baseline average values are approved by the Administrator, the allowable ranges for use in § 63.604 shall be based upon the range of baseline average values proposed for approval.
[40 CFR 63.605(d)]

D.23. To comply with § 63.605(d)(1) or (2), the owner or operator shall use the monitoring systems in § 63.605(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of § 63.605(d)(1) or (2).
[40 CFR 63.606(c)(4)]

D.24. 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.25. 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.26. 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]

D.27. This emission unit is subject to specific requirements of 40 CFR 63, Subpart AA, Appendix A to Subpart AA– Applicability to General Provisions to Subpart AA, and alternative MACT monitoring plan (Administrative Order No. 03-C-AP, dated 01/22/2004). The owner or operator is responsible for remaining in compliance with any updates made to Subpart A or AA. To establish operating parameters for this emissions unit, the owner or operator must comply and demonstrate with the following:

1) Must comply with all conditions of the Order No. 03-C-AP,
2) Must comply with all applicable requirements of Subparts A and AA,
3) Specifically notify the department the testing will be for establishing allowable ranges for this emissions unit according to Subparts A and AA,
4) All tests must be precisely conducted according to the MACT standards and all applicable test methods,
5) All tests must clearly demonstrate compliance with all MACT standards and applicable test methods and requirements,
6) All tests shall be submitted to the Department in accordance with Subparts A and AA,
7) The test results will become the new allowable ranges after the Department has had 30 days to review the test results. Failure to meet any requirements of this condition, Subpart A or AA, or the alternate plan will negate use of any new ranges derived from the test.

[40 CFR 63- Subpart A, 40 CFR 63- Subpart AA, and Administrative Order No. 3-C-AP, Alternate MACT Monitoring Plan]

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. 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 62-204.800(7)(b)(10)., F.A.C., Rule 62-297.310(4)(a)(2), 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% H_2SO_4 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 for:
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.* [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.

l. 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 Part 40 CFR 63 Subparts A and BB take precedence over NSPS standards, but will not take precedence over BACT determinations. However these units are subject to all applicable NSPS standards if these units are out of compliance with the NESHAP. State Implementation Plan (SIP) rules apply if these units are out of compliance with the NSPS standards or if there is no applicable NSPS standard when out of compliance with the NESHAP}.**

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. The permittee shall comply with the applicable requirements of the NESHAP, 40 CFR 63, Subparts A and BB.

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. 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.
[Air Construction Permit AC53-246403/PSD-FL-211, Rule 62-297.310(4)(a)2, F.A.C.]

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]

F.8. 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.]

F.9. 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.]

F.10. In case of excess emissions resulting from a malfunction, the permittee shall immediately notify the Air Compliance Section of the Southwest District Office of the Department of Environmental Protection in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rule 62-210.700(6), F.A.C.]

Test Methods and Procedures

F.11. 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.
[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.12. 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.
[Chapter 62-297, F.A.C.; 40 CFR 63.626(b) and 63.630(a)]

F.13. 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.14. 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.15, F.16, and F.17 are applicable to NESHAP, 40 CFR 63, Subparts A and BB requirements.

F.15. 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.16. 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.17. 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 applicable to monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions F.23 through F.32) and 40 CFR 63, Subpart A.

F.18. 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.19 is applicable to monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions F.23 through F.32) and 40 CFR 63, Subpart A.

F.19. 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.15 and then by processing according to 40 CFR 60.224(b)(3).
[40 CFR 60.223(b)]

F.120. 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.21. 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.23. through F.32) as well as 40 CFR 63, Subpart A, for additional recordkeeping requirements.}

F.22. 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.23. through F.32) as well as 40 CFR 63, Subpart A, for additional monitoring and recordkeeping requirements during performance tests.}

NESHAP Conditions

F.23. 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.24. 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.25. This emissions unit is subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions.
[40 CFR 63, Appendix A of Subpart BB]

F.26. On or after the date on which the initial performance (compliance) test is completed, the permittee must maintain daily average 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.27. 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.28. 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.29. 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.30. Following the date on which the performance test required in § 63.626 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in this subpart must establish allowable ranges for operating parameters using the methodology of either paragraph (f)(1) or (2) of this section:

(1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is $\pm$ 20 percent of the baseline average value determined as a requirement of § 63.626(c)(4) or (d)(4). The Administrator retains the right to reduce the $\pm$ 20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but, in no instance shall the adjustment be reduced to less than $\pm$ 10 percent. The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. The baseline average values used for compliance shall be based on the values determined during the most recent performance test. The new baseline average value shall be effective on the date following the performance test.

(2) The owner or operator of any new or existing affected source shall establish, and provide to the Administrator for approval, allowable ranges of baseline average values for the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with this subpart. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in this subpart and established in the manner required in § 63.626(c)(4) or (d)(4). As an alternative, the owner or operator can establish the allowable ranges of baseline average values using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in this subpart and established in the manner required in § 63.626(c)(4) or (d)(4). The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges of baseline average values developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges of baseline average values. When a source using the methodology of this paragraph is retested, the owner operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters from previous tests. Any new allowable ranges of baseline average values resulting from the most recent performance test shall be effective on the date following the retest. Until changes to allowable ranges of baseline average values are approved by the

Administrator, the allowable ranges for use in § 63.624 shall be based upon the range of baseline average values proposed for approval.
[40 CFR 63.625(f)]

F.31. 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.32. 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]

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.]

9. In case of excess emissions resulting from a malfunction, the permittee shall immediately notify the Air Compliance Section of the Southwest District Office of the Department of Environmental Protection in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rule 62-210.700(6), F.A.C.]

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. These Emissions Units are subject to 40 CFR 63 Subpart DDDDD- Industrial, Commercial, and Institutional Boilers and Process Heaters.}

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 be 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.
[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. 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 62-296.310, 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	Bartow 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. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-054	No. 3 Sulfuric Acid Plant

This emission unit is a double absorption sulfuric acid plant at a phosphate fertilizer facility. This plant is designed to produce a maximum of 1,700 tons per day of sulfuric acid (100% H_2SO_4 basis). Sulfur is burned in air first dried by passing through concentrated sulfuric acid in a drying tower. The resulting sulfur dioxide passes through converter units w/catalyst, through an intermediate absorption tower, through a final converter w/catalyst, and then through a final absorption tower (double absorption). Acid mist emissions from the final absorption tower are controlled by a Brink HV Demister. Waste heat from the process is also used to cogenerate electric power.

This emission unit is regulated under 40 CFR 60, Subpart H (standards of performance for sulfuric acid plants,) as adopted by reference in Rule 62-204.800(7), F.A.C.

This emission unit is subject to the following specific conditions:

Essential Potential to Emit (PTE) Parameters

J.1. Capacity. Sulfuric acid production, measured as 100% H_2S0_4, shall not exceed 1,700 tons per day .
[Construction Permit AC53-85261 and Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

J.2. Sulfur Dioxide. Sulfur dioxide emissions shall not exceed the lesser of:
A. 4 pounds per ton of 100% sulfuric acid produced; or
B. 283.3 pounds per hour.
[Rule 62-296.402(2), F.A.C., and 40 CFR 60.82(a)]

J.3. Acid Mist. Acid mist emissions shall not exceed the lesser of:
A. 0.15 pounds per ton of 100% H_2S0_4 produced; or
B. 10.6 pounds per hour.
[Rule 62-296.402(2), F.A.C. , and 40 CFR 60.83(a)(1)]

J.4. Visible Emissions . Visible emissions shall not be equal to or greater than 10% opacity.
[40 CFR 60.83(a)(2)]

J.5. 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.]

J.6. 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.]

J.7. In case of excess emissions resulting from a malfunction, the permittee shall immediately notify the Air Compliance Section of the Southwest District Office of the Department of Environmental Protection in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rule 62-210.700(6), F.A.C.]

Test Methods and Procedures

J.8. The following EPA/DEP test methods are approved for demonstration of compliance with the above emission limitations and standards:

Method 1 Sample and velocity traverses for stationary sources;
Method 2 Determination of stack gas velocity and volumetric flow rate (Type S pitot tube);
Method 3 Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight;
Method 8 Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources; and
Method 9 Visual determination of the opacity of emissions from stationary sources.

[40 CFR 60, Appendix A, incorporated by reference in Chapter 62-297, F.A.C., and Rule 62-296.402(3)(b), F.A.C.]

J.9. Test the emissions for the following pollutant(s) annually. Submit a copy of the test data to the Air Section of the Department's Southwest District Office within 45 days of such testing:

(X) Sulfur Dioxide (X) Sulfuric Acid Mist (X) Opacity

The minimum requirements for stationary point source emissions test procedures and reporting shall be in accordance with Rule 62-297.310, F.A.C. and 40 CFR 60, Appendix A.
[Rules 62-297.310(7) and 62-297.310(8)(b), F.A.C.]

J.10. Compliance with the visible emission limitation shall be demonstrated using Method 9 as specified in Rule 62-297.402(3), 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 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.]

J.11. 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. A full written report on the malfunction(s) shall be submitted in a quarterly report, if requested by the Department.
[Rules 62-4.070(3), 62-210.700(1), 62-210.700(4), 62-210.700(6), and 62-4.130, F.A.C.]

Continuous Monitoring Requirements

J.12. The continuous emission monitoring system for the measurement and recording of stack sulfur dioxide concentration shall:

(a) Be calibrated, maintained and operated as specified in 40 CFR 60.84, with the exception that monitor span value shall be set at 1,000 ppm* sulfur dioxide;
(b) Perform zero and span calibration at least daily as required by 40 CFR 60.13;
(c) As specified in 40 CFR 60.13(e), be in continuous recording operation (regardless of plant downtime); and,
(d) Demonstrate compliance with 40 CFR 60, Appendix B, Performance Specification 2, upon replacement or modification of the monitor, or at the request of the Department pursuant to 40 CFR 60.13(c).

* Letter of June 19, 1986

Training Requirements

J.13. Plant personnel and operators shall be familiar with best operational practices in order to (1) minimize emissions during plant shutdown and cold and hot plant startup; and, (2) to minimize the duration of excess emissions.
[Rule 62-4.070, F.A.C.]

Recordkeeping and Reporting Requirements

J.14. Data acquisition, data reduction, records and reporting requirements for the sulfur dioxide continuous emission monitor shall conform with 40 CFR 51, Appendix P, as adopted by reference in Rule 62-204.800(2), F.A.C.

J.15. The permittee shall submit a written report of excess sulfur dioxide emissions for every calendar quarter in-accordance with 40 CFR 60.7(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. Two copies of the quarterly sulfur dioxide excess emission report shall be submitted to the Department's Southwest District Office in Tampa.
[Rule 62-296.402(4), F..A.C. and 40 CFR 60.84(e).]

J.16. 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 62-213.440(1)(b), F.A.C.]

Operational Procedures

J.17. Not federally enforceable. The permittee shall follow the *MEMORANDUM OF UNDERSTANDING REGARDING BEST OPERATIONAL START-UP PRACTICES FOR SULFURIC ACID PLANTS.*
[Signed and Executed on October 25, 1989, Amended September 18, 2003, 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.

l. 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. Due to the distance (approximately 2.5 miles) between plants, the #3 Sulfuric Acid Plant (SAP) may be started up and initiate sulfur burning regardless of the start up status of the No. 4, 5, or 6 Sulfuric Acid Plants.

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) <u>out</u> 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.

6. Prevention of Ammonium Sulfate Cloud Formation at the No. 3 Sulfuric Acid Plant

a. Water treatment sprays will be shut down prior to plant start ups, and will remain down until startup is completed and the plant is operating normally.

b. If a plant upset condition occurs, the water treatment sprays will be shut down during the entire duration of the upset condition.

c. Operations logs at the sulfuric acid control room and the lime plant will include notation for the date and time of notification (and operator's initials or signature) of startup or upset conditions that would prompt water treatment spray shutdown.

Due to the distance between plants, No. 3 Sulfuric Acid Plant may be started up and initiate sulfur burning independent of start up status of No. 4, 5, and 6 Sulfuric Acid Plants.

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

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

E.U. ID No.	Brief Description
-055	Auxiliary Process Steam Boiler

For the operation of a Nebraska Model NS-E-65 Process Steam Boiler. This boiler shall be fired with natural gas as the primary fuel with new No. 2 fuel oil as backup during natural gas curtailment. The sulfur content of the new No. 2 fuel oil shall not exceed 0.5% by weight. The maximum fuel consumption rate while firing natural gas is 93,200 cubic feet/hour and while firing new No. 2 fuel oil is 625.0 gallons/hour. This boiler is equipped with a stack economizer.

This Emissions Unit is subject to the requirements of 40 CFR 60, Subpart Dc (NSPS). In order to avoid some requirements of NSPS, the Boiler shall operate in accordance with requirements of the BACT (Best Available Control Technology) determination for particulate matter and sulfur dioxide dated November 3, 1993, and construction permit AC53-234449. [Rule 62-296.406(2) & (3), F.A.C]

This emission unit is subject to the following specific conditions:

Essential Potential to Emit (PTE) Parameters

K.1. Capacity. The Auxiliary Boiler produces 75,000 pound/hour of steam from a maximum heat input of 93.2 MMBtu/hour natural gas or 89.8 MMBtu/hour #2 fuel oil.
[Permit AO53-249982 and Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

K.2. Methods of Operation. The following operation limitations have been established for this process steam boiler:

A. The process steam boiler shall be fired on natural gas as primary fuel with new* No. 2 fuel oil as backup fuel, during natural gas curtailment.
B. The maximum sulfur content of the new No. 2 fuel oil shall not exceed 0.5% by weight.
C. The maximum heat input rate, fuel usage rate and hours of operation for this process steam boiler is as follows:

1. 93.2 MMBTU/hour, Natural gas
   89.8 MMBTU/hour, new No. 2 fuel oil
2. 93,200 cubic feet/hour, natural gas
   625.0 gallons/hour new No. 2 fuel oil
3. 8,760 hours/year, natural gas
   400.0 hours/year, new No. 2 fuel oil

* The term "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.
[Rules 62-296.406(2) and (3), and permit AC53-234449]

Emission Limitations and Standards

K.3. Sulfur Dioxide. In accordance with 40 CFR 60.42c(d) and Rule 62-204.800, F.A.C., no owner or operator of an affected boiler that combusts oil shall cause to be discharged into the atmosphere from that affected boiler any gases that contain S02 in excess of 0.50 pound/MMBTU heat input; or, as an alternative, no owner or operator of an affected boiler that combusts oil shall combust oil in the affected boiler that contains greater than 0.5% sulfur by weight.

K.4. Visible Emissions. Visible emissions shall not exceed 20% opacity except for one six-minute period per hour during which opacity shall not exceed 27%. [Rule 62-296.406(1), F.A.C.]

K.5. 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.]

K.6. 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.]

K.7. In case of excess emissions resulting from a malfunction, the permittee shall immediately notify the Air Compliance Section of the Southwest District Office of the Department of Environmental Protection in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rule 62-210.700(6), F.A.C.]

Test Methods and Procedures

K.8. The process steam boiler shall be tested annually for visible emissions. A copy of the compliance test data shall be submitted to the Air Section of the Department's Southwest District Office within 45 days of such testing. The following EPA test methods are approved for demonstration of compliance with the above emission limitations and standards:

Method 9. Visual determination of the opacity of emissions from stationary sources;
Method 6B. Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.;
ASTM D 129-91. Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).;
ASTM D 2622-94. Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry.; and
ASTM D 4294-90. Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy.
[Rule 62-297.440, F.A.C.]

K.9. The visible emissions compliance test shall be conducted by a certified observer and be a minimum of 30 minutes in duration. The visible emissions (VE) compliance test could be waived, on a year by year basis, if liquid and/or solid fuel has not been used in this boiler for more than 400 hours for the previous 12 months and if it is not expected to be used 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 this office stating that the

above criteria for the waiver have been satisfied. [Rules 62-297.310(7)(a)5., and 62-297.310(4)(a)2., F.A.C.]

Monitoring, Recordkeeping, and Reporting Requirements

K.10. In accordance with 40 CFR 60.48c(e), the owner or operator of each affected boiler subject to the S02 emission limits or fuel oil sulfur limits requirements of 40 CFR 60.42c shall keep records and submit quarterly reports as required under 40 CFR 60.48c(d) including the applicable information under 40 CFR 60.48c(e)(f)(g)(h) & (i).

K.11. In order to document continuing compliance with Condition No. K.2., records of the sulfur content, in % by weight of fuel oil used, shall be maintained based on either vendor provided as-shipped analysis for each shipment received during the use of oil in the boiler, or on analysis of as-received samples taken at the plant during oil usage.

Section III. Emissions Unit(s) and Conditions (Continued).
Subsection L. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
-056	Molten Sulfur Storage/Handling--Truck Delivery Pit
-057	Molten Sulfur Storage/Handling--Storage Tank, North Vent
-058	Molten Sulfur Storage/Handling--Storage Tank, Southeast Vent
-059	Molten Sulfur Storage/Handling--Storage Tank, Southwest Vent
-060	Molten Sulfur Storage/Handling--Storage Tank, Middle Vent

Molten sulfur is delivered by tank truck and unloaded by gravity into the truck pit. Pumps in the pit forward the liquid to storage tanks. Emissions of particulates are controlled by pit covers. The four storage tank vents are uncontrolled.

This emission unit is subject to Rule 62-296.411, F.A.C., Sulfur Storage and Handling Facilities:

Essential Potential to Emit (PTE) Parameters

L.1. Capacity. The maximum sulfur throughput rate shall not exceed 555 tons/day or 203,000 tons/year. [AO53-173754, J. Koogler letter dated 9/25/98, and Rules 62-4.160(2) and 62-210.200, F.A.C.]

L.2. Methods of Operation. All molten sulfur facilities shall employ, as a minimum, the following practices to minimize the emission of sulfur particulate matter into the atmosphere:

A. 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 movable unloading arms and stationary pipes shall seat effectively around the entire circumference to minimize spillage.

B. 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 noncorrosible drip pans or other secondary containment, positioned to collect spills, that are adequate to contain amounts of sulfur that may escape during routine disconnection, reconnection or operation of the piping system.

C. Emissions of sulfur particulate matter from molten sulfur storage tanks and transfer systems in particulate matter air quality maintenance areas or within five kilometers of such areas shall not exceed 0.03 pounds per hour per thousand tons of storage capacity.

D. 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.

E. All vent surfaces shall be cleaned monthly to remove captured particles.
[Rule 62-296.411, F.A.C.]

Emission Limitations and Standards

L.3. Visible emissions shall not be equal to or greater than 20% opacity, in accordance with Rule 62-296.411(1)(g), F.A.C.

{Permitting Note: The total emissions of sulfur particulate from the two pits are estimated to be 148 lbs/yr. The emissions of other pollutants from the pits are negligible. The Permittee stated that no hydrocarbon emissions are expected from the facility because the sulfur received at the facility is bright sulfur. The basis used for calculating emissions is the maximum permitted sulfur throughput rate.}

Test Methods and Procedures

L.4. The following EPA test methods are approved for demonstration of compliance with the above emission limitations and standards:

(X) Opacity

Method 9 Visual determination of the opacity of emissions from stationary sources
[40 CFR 60, Appendix A, incorporated by reference in Rule 62-297, F.A.C.]

L.5. The visible emissions test of each delivery pit and tank vent shall be conducted prior to application to renew this permit by a certified observer and be a minimum of thirty (30) minutes in duration. 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.]

Recordkeeping and Reporting Requirements

L.6. In order to demonstrate compliance with Condition No. L.1., the Permittee shall maintain records of sulfur throughput for the most recent 12 consecutive-month period.
[Rule 62-213.440(1)(b), F.A.C.]

L.7. The permittee shall maintain records of spills outside of containment areas and of collection and disposal of spilled sulfur. Such records shall be retained for a minimum of five (5) years and shall be available for inspection by the Department upon request.
[Rule 62-296.411, F.A.C.]

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:	)	Bartow Facility
	)	
Cargill Fertilizer, Inc.	)	
	)	
Petitioner.	)	File No.: 03-C-AP

ORDER ON REQUEST
FOR
ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), and Title 40 of the Code of Federal Regulations Part 63, section 63.8 (40 CFR 63.8), Cargill Fertilizer, Inc., located in Polk County, has petitioned for approval of alternate monitoring methods for scrubbers at the Bartow facility. The Petitioner requested approval to monitor fan amperage in lieu of establishing an upper limit on pressure drop across each scrubber. The basis for this request is the Petitioner's assertion that certain technical aspects would make limiting pressure drop in the scrubbers at this facility impractical. Petitioner agreed to continue to monitor pressure drop, liquid flow rate, and fan amperage for each scrubber. Petitioner also agreed to establish allowable ranges for liquid flow rate and fan amperage and to establish a minimum allowable pressure drop.

Having considered Petitioner's written request and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. 40 CFR 63, Subparts AA and BB require all phosphate fertilizer and phosphoric acid manufacturing plants that are major sources of hazardous air pollutants to monitor liquid flow rate to each scrubber and pressure drop across each scrubber used to control hydrogen fluoride emissions. Additionally, each affected facility must establish allowable ranges for these parameters by submitting upper and lower values for approval or by accepting the default range of ±20% of the baseline value as specified in Subparts AA and BB. Petitioner's Bartow facility is a major source of hazardous air pollutants. Specifically, Petitioner's Bartow facility emits 10 tons per year or more of HF. Therefore, Petitioner's Bartow facility is subject to these requirements.

2. On February 10, 2003, the Department received Petitioner's request for approval of an alternate monitoring plan for the Bartow facility. The alternate monitoring plan was requested for scrubbers subject to 40 CFR 63, Subparts AA and BB: Phosphoric Acid Plant (Emission Unit (EU) 010), No. 3 Fertilizer Plant (EU 001), and No. 4 Fertilizer Plant (EU 021).

3. On March 10, 2003, the Department requested additional information from Petitioner.

4. On May 12, 2003, the Department received Petitioner's response to the March 10, 2003 request for additional information.

5. On July 1, 2003, the Department sent a second request for additional information to Petitioner.

6. On August 20, 2003, Department staff met with representatives of Petitioner and Petitioner's consultant, Golder Associates, in Tallahassee to discuss unresolved issues.

7. On October 28, 2003, the Department received Petitioner's response to the second request for additional information as well as information requested during the August 20 meeting.

8. On November 4, 2003, Department staff met with representatives of Petitioner and Golder Associates at the Petitioner's Riverview facility to discuss remaining issues with the Petitioner's request. During that meeting, Petitioner agreed to provide the department with additional data.

9. On December 3, 2003, the Department received the additional information requested during the November 4 meeting.

10. Data submitted by Petitioner demonstrates that typical pressure drops across its scrubbers can vary by more than the ±20% range allowed by 40 CFR 63, Subparts AA and BB.

11. Emissions data submitted by Petitioner demonstrates that fluoride emissions rates for most units at the facility are less than 50% of the standard. Data submitted by Petitioner also shows a poor correlation between pressure drop and fluoride emissions.

12. As a result of the correspondence and meetings listed above, Petitioner ultimately proposed to establish an allowable range for fan amperage in lieu of establishing an upper limit on pressure drop across each scrubber. Petitioner also agreed to establish a minimum allowable pressure drop for each scrubber and an allowable range for liquid flow rate to each scrubber.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider Petitioner's request pursuant to Section 403.061, Florida Statutes (F.S.), Rule 62-297.620, F.A.C., and 40 CFR 63.8.

2. Petitioner has provided reasonable justification that establishing an upper limit on pressure drop in scrubbers at this facility is impractical due to the wide variability of this parameter encountered during normal operation.

3. Petitioner has provided reasonable justification that monitoring fan amperage in lieu of establishing a maximum pressure drop is no less an effective indicator of scrubber operation than that achieved by monitoring pursuant to 40 CFR 63, Subparts AA and BB.

ORDER

Having considered Petitioner's written request and supporting documentation, it is hereby ordered that for the Phosphoric Acid Plant (Emission Unit (EU) 010), No. 3 Fertilizer Plant (EU 001), and No. 4 Fertilizer Plant (EU 021):

1. Petitioner shall not be required to establish an upper limit on the pressure drop across each scrubber.

2. Petitioner shall establish a minimum allowable pressure drop across each scrubber pursuant to the requirements in 40 CFR 63, Subparts AA and BB and shall submit such values to the department for approval.

3. Petitioner shall establish minimum and maximum acceptable fan amperages for each fan in the scrubbing systems pursuant to the requirements in 40 CFR 63, Subparts AA and BB and shall submit such values to the department for approval.

4. Petitioner shall establish minimum and maximum acceptable values for liquid flow rate to each scrubber pursuant to the requirements in 40 CFR 63, Subparts AA and BB and shall submit such values to the department for approval.

5. Petitioner shall continuously monitor pressure drop and liquid flow rate for each scrubber and shall continuously monitor fan amperage for each fan in the scrubbing systems.

6. Except as provided by this order, Petitioner shall comply with all applicable provisions of 40 CFR 63, Subparts AA and BB.

7. This Order shall expire on January 7, 2014.

PETITION FOR ADMINISTRATIVE REVIEW

The Department's proposed agency action will become final upon expiration of the petition period described below unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of how and when petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

Mediation is not available in this proceeding.

NOTICE OF APPEAL RIGHTS

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

DONE AND ORDERED this 21st day of January, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Michael G. Cooke

MICHAEL G. COOKE, Director
Division of Air Resource Management
Mail Station 5500
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 488-0114

Clerk Stamp

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

Martha Jane Wise 1-22-04
(Clerk) (Date)

Not federally enforceable. **Attachment A**

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.

l. 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.

6. Prevention of Reoccurrence for an Ammonium Sulfate Cloud

a. Water treatment sprays will be shut down prior to plant start ups, and will remain down until startup is completed and the plant is operating normally.

b. If a plant upset condition occurs, the water treatment sprays will be shut down during the entire duration of the upset condition.

c. Operations logs at the sulfuric acid control room and the lime plant will include notation for the date and time of notification (and operator's initials or signature) of startup or upset conditions that would prompt water treatment spray shutdown.

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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No.: 1050046-018-AV
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
-053	Phosphoric acid truck unloading/loading -- North Unit and South Units
	Wet Rock Handling

E.U. ID No.	Brief Description of Emissions Units and/or Activity
-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
-061	Waste Heat Boiler/Flash Tank Discharge
-062	Tank Truck Loading/Unloading of Sulfuric Acid
-063	Industrial Cooling Towers
-064	Process and Product Storage Tanks
-065	Auxiliary Power Generators and Diesel Fuel Tanks
-066	Molten Sulfur Fire and Spill Cleanup
-067	VOC From Solvent Cleaning of Small Parts
-068	Welding, Grinding, and Cutting Metal from Maintenance Vehicles
-069	Fugitive Dust/Exhaust Emissions From Maintenance Vehicles
-070	Miscellaneous Painting and Relining Rubber-Lined Vessels
-071	Vehicle Fleet Fuel Storage Tanks
-072	Sulfuric Acid Plant Catalyst Removal and Classifying

Appendix H-1, Permit History/ID Number Changes

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No.: 1050046-018-AV
Facility ID No.: 1050046

Permit History (for tracking purposes):

E.U. ID No.	Description	Permit No.	Issue Date	Expiration Date	ExtendeDate[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		
		1050046-022-AC				
-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		
-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		

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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No.: 1050046-018-AV
Facility ID No.: 1050046

-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	
-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No.: 1050046-018-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	
-054	Sulfuric Acid Plant	AC53-2584	12/26/74	9/16/75	
		AO53-6050	12/14/78	1/31/83	
		AC53-6458A	8/28/78	8/30/79	
		AO53-17115	3/1/97	2/1/84	
		AO53-78016	1/31/84	1/15/89	
		AC53-85261	7/2/85	7/1/86	
		AO53-117930	9/11/86	8/28/91	
		AO53-198769	8/30/91	8/28/96	
-055	Steam Generator	AC53-234449	12/9/93	11/9/94	
		AO53-249982	6/24/94	6/20/99	

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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No.: 1050046-018-AV
Facility ID No.: 1050046

-056	Molten Sulfur Truck Pit	AC53-163740	9/28/89	4/1/90	
		AO53-173754	4/3/90	4/3/95	7/2/92
-057	Molten Sulfur Tank North	AC53-163740	9/28/89	4/1/90	
		AO53-173754	4/3/90	4/3/95	7/2/92
-058	Molten Sulfur Tank Southeast	AC53-163740	9/28/89	4/1/90	
		AO53-173754	4/3/90	4/3/95	7/2/92
-059	Molten Sulfur Tank Southwest	AC53-163740	9/28/89	4/1/90	
		AO53-173754	4/3/90	4/3/95	7/2/92
-060	Molten Sulfur Tank Mid.	AC53-163740	9/28/89	4/1/90	
		AO53-173754	4/3/90	4/3/95	7/2/92
-All	Revision (EU 001-053)	1050046-016-AV			
	TV Renewal	1050046-018-AV			
	Removal of Conditions	1050046-022-AC			

ID Number Changes (for tracking purposes):

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

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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No.: 1050046-018-AV
Facility ID No.: 1050046

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

NOTE: Cargill Mulberry became part of the Cargill Bartow Permit during the renewal process of project 1050046-018-AV. Emissions Units 054-060 were Cargill Mulberry Units Emissions Units which are still in operation and will operate under the current Cargill Bartow Permit. Cargill Fertilizer, Inc. is Now Mosaic Fertilizer, LLC.

For historical purposes, Cargill Mulberry Facility ID #1050048 was formerly Facility ID# 40TPA530048

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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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
-054	Double Contact Sulfuric Acid Plant
-055	Steam Generator
-056 to -060	Molten Sulfur Storage/Handling

				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.
-054	SO_2	Sulfur	8760	4 lb/ton 100%Acid	283.3	1240.8			62.296.402(2), FAC	III.J.
									62.296.402(2), FAC	III.J.
									62.296.402(2), FAC	III.J.
-055	Opacity	Natural Gas	8760	20% for 6 minute Avg.					62-296.406(1), F.A.C.	III.K.
		#2 Oil	8760	27% for Hour					62-296.406(1), F.A.C.	III.K.
-056 through -060	V.E.	n/a	8760	20%					62-296.411(1)(g)	III.L.

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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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

Table 2-1, Summary of Compliance Requirements

Mosaic Fertilizer, LLC
Bartow Facility

FINAL Permit No. 1050046-018-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
-054	Double Absorption Sulfuric Acid Plant
-055	Steam Generator
-056	Molten Sulfur Handling Truck Pit
-057	Molten Sulfur Storage & Handling Tank North
-058	Molten Sulfur Storage & Handling Tank Southeast
-059	Molten Sulfur Storage & Handling Tank Southwest
-060	Molten Sulfur Storage & Handling Mid.

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)
-054	SO_2	Sulfur	Method 8	Annual	June 18	1 hour (40dscf)	Yes	III.J.
	Acid Mist	Sulfur	Method 8	Annual	June 18	1 hour (40dscf)	Yes	III.J.
	V.E.		Method 9	Annual	June 18	1 hour	yes	III.J.
-055	Opacity	Natural Gas	Method 9	Annual	January 18	60 minutes	No	III.K.
		#2 Oil	Method 9	Annual	January 18	60 minutes	No	III.K.
-056 to -060	Opacity	n/a	Method 9	Permit Renewal		30 minutes	No	III.L.

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

Subpart AA – National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants

Sec.

Subpart AA – National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants

GENERAL

§ 63.600 Applicability.

(a) Except as provided in paragraphs (c) and (d) of this section, the requirements of this subpart apply to the owner or operator of each phosphoric acid manufacturing plant.

(b) The requirements of this subpart apply to emissions of hazardous air pollutants (HAPs) emitted from the following new or existing affected sources at a phosphoric acid manufacturing plant:

(1) Each wet-process phosphoric acid process line. The requirements of this subpart apply to the following emission points which are components of a wet-process phosphoric acid process line: reactors, filters, evaporators, and hot wells;

(2) Each evaporative cooling tower at a phosphoric acid manufacturing plant;

(3) Each phosphate rock dryer located at a phosphoric acid manufacturing plant;

(4) Each phosphate rock calciner located at a phosphoric acid manufacturing plant;

(5) Each superphosphoric acid process line. The requirements of this subpart apply to the following emission points which are components of a superphosphoric acid process line: evaporators, hot wells, acid sumps, and cooling tanks; and

(6) Each purified acid process line. The requirements of this subpart apply to the following emission points which are components of a purified phosphoric acid process line: solvent extraction process equipment, solvent stripping and recovery equipment, seal tanks, carbon treatment equipment, cooling towers, storage tanks, pumps and process piping.

(c) The requirements of this subpart do not apply to the owner or operator of a new or existing phosphoric acid manufacturing plant that is not a major source as defined in § 63.2.

(d) The provisions of this subpart do not apply to research and development facilities as defined in § 63.601.

§ 63.601 Definitions.

Terms used in this subpart are defined in the Clean Air Act, in § 63.2, or in this section as follows:

Equivalent P_2O_5 feed means the quantity of phosphorus, expressed as phosphorous pentoxide, fed to the process.

Evaporative cooling tower means an open water recirculating device that uses fans or natural draft to draw or force ambient air through the device to remove heat from process water by direct contact.

Exceedance means a departure from an indicator range established under this subpart, consistent with any averaging period specified for averaging the results of the monitoring.

HAP metals mean those metals and their compounds (in particulate or volatile form) that are included on the list of hazardous air pollutants in section 112 of the Clean Air Act. HAP metals include, but are not limited to: antimony, arsenic, beryllium, cadmium, chromium, lead, manganese, nickel, and selenium expressed as particulate matter as measured by the methods and procedures in this subpart or an approved alternative method. For the purposes of this subpart, HAP metals are expressed as particulate matter as measured by 40 CFR Part 60, Appendix A, Method 5.

Phosphate rock calciner means the equipment used to remove moisture and organic matter from phosphate rock through direct or indirect heating.

Phosphate rock dryer means the equipment used to reduce the moisture content of phosphate rock through direct or indirect heating.

Phosphate rock feed means all material entering any phosphate rock dryer or phosphate rock calciner including moisture and extraneous material as well as the following ore materials: fluorapatite, hydroxylapatite, chlorapatite, and carbonateapatite.

Purified phosphoric acid process line means any process line which uses a HAP as a solvent in the separation of impurities from the product acid for the purposes of rendering that product suitable for industrial, manufacturing or food grade uses.

Research and development facility means research or laboratory operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and where the facility is not engaged in the manufacture of products for commercial sale in commerce or other off-site distribution, except in a de minimis manner.

Superphosphoric acid process line means any process line which concentrates wet-process phosphoric acid to 66 percent or greater P_2O_5 content by weight.

Total fluorides means elemental fluorine and all fluoride compounds, including the HAP hydrogen fluoride, as measured by reference methods specified in 40 CFR Part 60, Appendix A , Method 13 A or B, or by equivalent or alternative methods approved by the Administrator pursuant to § 63.7(f).

Wet process phosphoric acid process line means any process line manufacturing phosphoric acid by reacting phosphate rock and acid.

EMISSION STANDARDS AND OPERATING LIMITS

§ 63.602 Standards for existing sources.

(a) Wet process phosphoric acid process line. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator

subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 10.0 gram/metric ton of equivalent P_2O_5 feed (0.020 lb/ton).

(b) Superphosphoric acid process line.

(1) Vacuum evaporation process. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 5.0 gram/metric ton of equivalent P_2O_5 feed (0.010 lb/ton).

(2) Submerged combustion process. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 100.0 gram/metric ton of equivalent P_2O_5 feed (0.20 lb/ton).

(c) Phosphate rock dryer. On or after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain particulate matter in excess of 0.10750 kilogram/metric ton of phosphate rock feed (0.2150 lb/ton).

(d) Phosphate rock calciner. On or after the date on which the performance test required to be conducted by §§&thnsp;63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain particulate matter in excess of 0.1810 gram per dry standard cubic meter (g/dscm)(0.080 grains per dry standard cubic foot (gr/dscf)).

(e) Evaporative cooling tower. No owner or operator shall introduce into any evaporative cooling tower any liquid effluent from any wet scrubbing device installed to control emissions from process equipment. Each owner or operator of an affected source subject to this paragraph (e) must certify to the Administrator annually that he/she has complied with the requirements contained herein.

(f) Purified phosphoric acid process line.

(1) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of subpart H of this part.

(2) For any existing purified phosphoric acid process line, any of the following shall constitute a violation of this subpart:

(i) A thirty day average of daily concentration measurements of methyl isobutyl ketone in excess of twenty parts per million for each product acid stream.

(ii) A thirty day average of daily concentration measurements of methyl isobutyl ketone in excess of thirty parts per million for each raffinate stream.

(iii) A daily average chiller stack exit gas stream temperature in excess of fifty degrees Fahrenheit.

§ 63.603 Standards for new sources.

(a) Wet process phosphoric acid process line. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any

affected source any gases which contain total fluorides in excess of 6.750 gram/metric ton of equivalent P_2O_5 feed (0.01350 lb/ton).

(b) Superphosphoric acid process line. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 4.350 gram/metric ton of equivalent P_2O_5 feed (0.00870 lb/ton).

(c) Phosphate rock dryer. On or after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain particulate matter in excess of 0.030 kilogram/metric ton per megagram of phosphate rock feed (0.060 lb/ton).

(d) Phosphate rock calciner. On or after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain particulate matter in excess of 0.0920 gram per dry standard cubic meter (g/dscm) [0.040 grain per dry standard cubic foot (gr/dscf)].

(e) Evaporative cooling tower. No owner or operator shall introduce into any evaporative cooling tower any liquid effluent from any wet scrubbing device installed to control emissions from process equipment. Each owner or operator of an affected source subject to this paragraph (e) must certify to the Administrator annually that he/she has complied with the requirements contained herein.

(f) Purified phosphoric acid process line.

(1) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of subpart H of this part.

(2) For any new purified phosphoric acid process line, any of the following shall constitute a violation of this subpart:

(i) A thirty day average of daily concentration measurements of methyl isobutyl ketone in excess of twenty parts per million for each product acid stream.

(ii) A thirty day average of daily concentration measurements of methyl isobutyl ketone in excess of thirty parts per million for each raffinate stream.

(iii) A daily average chiller stack exit gas stream temperature in excess of fifty degrees Fahrenheit.

§ 63.604 Operating Requirements.

On or after the date on which the performance test required to be conducted by §§ 63.7 and 63.606 is required to be completed, the owner/operator using a wet scrubbing emission control system must maintain daily 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 to the requirements of § 63.605(d)(1) or (2).

MONITORING AND COMPLIANCE PROVISIONS

§ 63.605 Monitoring requirements.

(a) Each owner or operator of a new or existing wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer, or phosphate rock calciner subject to the

provisions of this subpart 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 percent over its operating range.

(b) (1) Each owner or operator of a new or existing wet-process phosphoric acid process line or superphosphoric acid process line subject to the provisions of this subpart shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate in metric ton/hour of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of paragraph (a) of this section and then by proceeding according to §63.606(c)(3).

(2) Each owner or operator of a new or existing phosphate rock calciner or phosphate rock dryer subject to the provisions of this subpart shall maintain a daily record of phosphate rock feed by determining the total mass rate in metric ton/hour of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of paragraph (a) of this section.

(c) Each owner or operator of a new or existing wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer or phosphate rock calciner using a wet scrubbing emission control system shall install, calibrate, maintain, and operate the following monitoring systems:

(1) 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 percent over its operating range.

(2) 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 percent over its operating range.

(d) Following the date on which the performance test required in § 63.606 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in this subpart must establish allowable ranges for operating parameters using the methodology of either paragraph (d)(1) or (2) of this section:

(1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is $\pm$ 20 percent of the baseline average value determined as a requirement of § 63.606(c)(4), (d)(4), or (e)(2). The Administrator retains the right to reduce the $\pm$ 20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but, in no instance shall the adjustment be reduced to less than $\pm$ 10 percent. The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. The baseline average values used for compliance shall be based on the values determined during the most recent performance test. The new baseline average value shall be effective on the date following the performance test.

(2) The owner or operator of any new or existing affected source shall establish, and provide to the Administrator for approval, allowable ranges of baseline average values for the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with this subpart. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in this subpart and established in the manner required in § 63.606(c)(4), (d)(4), or (e)(2). As an alternative, the owner or operator can establish the allowable ranges of baseline average values using the results of performance tests conducted specifically for the purposes of this paragraph using the

test methods required in this subpart and established in the manner required in § 63.606(c)(4), (d)(4), or (e)(2). The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges of baseline average values developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges of baseline values. When a source using the methodology of this paragraph is retested, the owner operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters from previous tests. Any new allowable ranges of baseline average values resulting from the most recent performance test shall be effective on the date following the retest. Until changes to allowable ranges of baseline average values are approved by the Administrator, the allowable ranges for use in § 63.604 shall be based upon the range of baseline average values proposed for approval.

(e) Each owner or operator of a new or existing purified phosphoric acid process line shall:

(1) Install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the stack gas exit temperature for each chiller stack.

(2) Measure and record the concentration of methyl isobutyl ketone in each product acid stream and each raffinate stream once daily.

§ 63.606 Performance tests and compliance provisions.

(a) (1) On or before the applicable compliance date in § 63.609 and once per annum thereafter, each owner or operator of a phosphoric acid manufacturing plant shall conduct a performance test to demonstrate compliance with the applicable emission standard for each existing wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer, and phosphate rock calciner. The owner or operator shall conduct the performance test according to the procedures in subpart A of this part and in this section.

(2) As required by § 63.7(a)(2) and once per annum thereafter, each owner or operator of a phosphoric acid manufacturing plant shall conduct a performance test to demonstrate compliance with the applicable emission standard for each new wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer, and phosphate rock calciner. The owner or operator shall conduct the performance test according to the procedures in subpart A of this part and in this section.

(b) In conducting performance tests, each owner or operator of an affected source shall use as reference methods and procedures the test methods in 40 CFR Part 60, Appendix A, or other methods and procedures as specified in this section, except as provided in § 63.7(f).

(c) Each owner or operator of a new or existing wet-process phosphoric acid process line or superphosphoric acid process line shall determine compliance with the applicable total fluorides standards in § 63.602 or § 63.603 as follows:

(1) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left(\sum_{i=1}^{N} C_{si}\, Q_{sdi}\right)/(PK)$$

where:

E = emission rate of total fluorides, g/metric ton (lb/ton) of equivalent P_2O_5 feed.
C_{si} = concentration of total fluorides from emission point ``i,'' mg/dscm (mg/dscf).
Q_{sdi} = volumetric flow rate of effluent gas from emission point ``i,'' dscm/hr (dscf/hr).
N = number of emission points associated with the affected facility.
P = equivalent P_2O_5 feed rate, metric ton/hr (ton/hr).
K = conversion factor, 1000 mg/g (453,600 mg/lb).

(2) Method 13A or 13B (40 CFR part 60, appendix A) shall be used to determine the total fluorides concentration (C_{si}) and volumetric flow rate (Q_{sdi}) of the effluent gas from each of the emission points. If Method 13B is used, the fusion of the filtered material described in Section 7.3.1.2 and the distillation of suitable aliquots of containers 1 and 2, described in section 7.3.3 and 7.3.4. in Method 13 A, may be omitted. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf).

(3) The equivalent P_2O_5 feed rate (P) shall be computed using the following equation:

$$P = M_p R_p$$

where:
M_p = total mass flow rate of phosphorus-bearing feed, metric ton/hr (ton/hr).
R_p = P_2O_5 content, decimal fraction.

(i) The accountability system described in § 63.605(a) and (b) shall be used to determine the mass flow rate (M_p) of the phosphorus-bearing feed.

(ii) The P_2O_5 content (R_p) of the feed shall be determined using as appropriate the following methods (incorporated by reference- see 40 CFR 63.14) specified in the Book of Methods Used and Adopted By The Association Of Florida Phosphate Chemists, Seventh Edition 1991, where applicable:

(A) Section IX, Methods of Analysis For Phosphate Rock, No. 1 Preparation of Sample.

(B) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method A-Volumetric Method.

(C) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method B-Gravimetric Quimociac Method.

(D) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method C-Spectrophotometric Method.

(E) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method A-Volumetric Method.

(F) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method B-Gravimetric Quimociac Method.

(G) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method C-Spectrophotometric Method.

(4) To comply with § 63.605(d)(1) or (2), the owner or operator shall use the monitoring systems in § 63.605(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of § 63.605(d)(1) or (2).

(d) Each owner or operator of a new or existing phosphate rock dryer shall demonstrate compliance with the particulate matter standards in § 63.602 or § 63.603 as follows:

(1) The emission rate (E) of particulate matter shall be computed for each run using the following equation:

$$E = (C_s Q_{sd})/(PK)$$

where:
E = emission rate of particulate matter, kg/Mg (lb/ton) of phosphate rock feed.
C_s = concentration of particulate matter, g/dscm (g/dscf).
Q_{sd} = volumetric flow rate of effluent gas, dscm/hr (dscf/hr).
P = phosphate rock feed rate, Mg/hr (ton/hr).
K = conversion factor, 1000 g/kg (453.6 g/lb).

(2) Method 5 (40 CFR part 60, appendix A) shall be used to determine the particulate matter concentration (c_s) and volumetric flow rate (Q_{sd}) of the effluent gas. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf).

(3) The system described in § 63.605(a) shall be used to determine the phosphate rock feed rate (P) for each run.

(4) To comply with § 63.605(d)(1) or (2), the owner or operator shall use the monitoring systems in § 63.605(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the particulate matter runs. The arithmetic average of the one-hour averages determined during the three test runs shall be used as the baseline average values for the purposes of § 63.605(d)(1) or (2).

(e) Each owner or operator of a new or existing phosphate rock calciner shall demonstrate compliance with the particulate matter standards in §§ 63.602 and 63.603 as follows:

(1) Method 5 (40 CFR part 60, appendix A) shall be used to determine the particulate matter concentration. The sampling time and volume for each test run shall be at least 60 minutes and 1.70 dscm.

(2) To comply with § 63.605(d)(1) or (2), the owner or operator shall use the monitoring systems in § 63.605(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the particulate matter runs. The arithmetic average of the one-hour averages determined during the three test runs shall be used as the baseline average values for the purposes of § 63.605(d)(1) or (2).

NOTIFICATION, REPORTING AND RECORDKEEPING

§ 63.607 Notification, recordkeeping, and reporting requirements.

(a) Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in § 63.9.

(b) Each owner or operator subject to the requirements of this subpart shall comply with the recordkeeping requirements in § 63.10.

(c) The owner or operator of an affected source shall comply with the reporting requirements specified in § 63.10 as follows:

(1) Performance test report. As required by § 63.10, the owner or operator shall report the results of the initial and annual performance tests as part of the notification of compliance status required in § 63.9.

(2) Excess emissions report. As required by § 63.10, the owner or operator of an affected source shall submit an excess emissions report for any exceedance of an operating parameter limit. The report shall contain the information specified in § 63.10. When no exceedances of an operating

parameter have occurred, such information shall be included in the report. The report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half. If exceedances are reported, the owner or operator shall report quarterly until a request to reduce reporting frequency is approved as described in § 63.10.

(3) Summary report. If the total duration of control system exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, the owner or operator shall submit a summary report containing the information specified in § 63.10 rather than the full excess emissions report, unless required by the Administrator. The summary report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half.

(4) If the total duration of control system operating parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and the excess emissions report.

§ 63.608 Applicability of general provisions.

The requirements of the general provisions in subpart A of this part that are applicable to the owner or operator subject to the requirements of this subpart are shown in appendix A to this subpart.

§ 63.609 Compliance dates.

(a) Each owner or operator of an existing affected source at a phosphoric acid manufacturing plant shall achieve compliance with the requirements of this subpart no later than June 10, 2002. Notwithstanding the requirements of § 63.7(a)(2)(iii), each owner or operator of an existing source at an affected existing phosphoric acid manufacturing plant shall fulfill the applicable requirements of § 63.606 no later than June 10, 2002.

(b) Each owner or operator of a phosphoric acid manufacturing plant that commences construction or reconstruction of an affected source after December 27, 1996 shall achieve compliance with the requirements of this subpart upon startup of operations or by June 10, 1999, whichever is later.

OTHER

§ 63.610 Exemption from new source performance standards.

Any affected source subject to the provisions of this subpart is exempted from any otherwise applicable new source performance standard contained in 40 CFR Part 60, subpart T, subpart U or subpart NN. To be exempt, a source must have a current operating permit pursuant to Title V of the Act and the source must be in compliance with all requirements of this subpart. For each affected source, this exemption is effective upon the date that the owner or operator demonstrates to the Administrator that the requirements of §§ 63.604, 63.605 and 63.606 have been met.

§63.611 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are

retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in Sec. Sec. 63.600, 63.602 through 63.604, and 63.609 through 63.610.

(2) Approval of major alternatives to test methods under Sec. 63.7(e)(2)(ii) and (f), as defined in Sec. 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under Sec. 63.8(f), as defined in Sec. 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under Sec. 63.10(f), as defined in Sec. 63.90, and as required in this subpart

Subpart BB- National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

Subpart BB- National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

GENERAL

§ 63.620 Applicability.

(a) Except as provided in paragraphs (c) and (d) of this section, the requirements of this subpart apply to the owner or operator of each phosphate fertilizers production plant.

(b) The requirements of this subpart apply to emissions of hazardous air pollutants (HAPs) emitted from the following new or existing affected sources at a phosphate fertilizers production plant:

(1) Each diammonium and/or monoammonium phosphate process line. The requirements of this subpart apply to the following emission points which are components of a diammonium and/or monoammonium phosphate process line: reactors, granulators, dryers, coolers, screens, and mills.

(2) Each granular triple superphosphate process line. The requirements of this subpart apply to the following emission points which are components of a granular triple superphosphate process line: mixers, curing belts (dens), reactors, granulators, dryers, coolers, screens, and mills.

(3) Each granular triple superphosphate storage building. The requirements of this subpart apply to the following emission points which are components of a granular triple superphosphate storage building: storage or curing buildings, conveyors, elevators, screens and mills.

(c) The requirements of this subpart do not apply to the owner or operator of a new or existing phosphate fertilizers production plant that is not a major source as defined in § 63.2.

(d) The provisions of this subpart do not apply to research and development facilities as defined in § 63.621.

§ 63.621 Definitions.

Terms used in this subpart are defined in the Clean Air Act, in § 63.2, or in this section as follows:

Diammonium and/or monoammonium phosphate process line means any process line manufacturing granular diammonium and/or monoammonium phosphate by reacting ammonia with phosphoric acid which has been derived from or manufactured by reacting phosphate rock and acid.

Equivalent P_2O_5 feed means the quantity of phosphorus, expressed as phosphorous pentoxide, fed to the process.

Equivalent P_2O_5 stored means the quantity of phosphorus, expressed as phosphorus pentoxide, being cured or stored in the affected facility.

Exceedance means a departure from an indicator range established for monitoring under this subpart, consistent with any averaging period specified for averaging the results of the monitoring.

Fresh granular triple superphosphate means granular triple superphosphate produced within the preceding 72 hours.

Granular triple superphosphate process line means any process line, not including storage buildings, manufacturing granular triple superphosphate by reacting phosphate rock with phosphoric acid.

Granular triple superphosphate storage building means any building curing or storing fresh granular triple superphosphate.

Research and development facility means research or laboratory operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and where the facility is not
engaged in the manufacture of products for commercial sale in commerce or other off-site distribution, except in a de minimis manner.

Total fluorides means elemental fluorine and all fluoride compounds, including the HAP hydrogen fluoride, as measured by reference methods specified in 40 CFR Part 60, Appendix A, Method 13 A or B, or by equivalent or alternative methods approved by the Administrator pursuant to §63.7(f).

EMISSION STANDARDS AND OPERATING LIMITS

§ 63.622 Standards for existing sources.

(a) Diammonium and/or monoammonium phosphate process line. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.626 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 30 grams/metric ton of equivalent P_2O_5 feed (0.060 lb/ton).

(b) Granular triple superphosphate process line. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.626 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 75 grams/metric ton of equivalent P_2O_5 feed (0.150 lb/ton).

(c) Granular triple superphosphate storage building.

(1) On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.626 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 0.250 grams/hr/metric ton of equivalent P_2O_5 stored (5.0×10^{-4} lb/hr/ton of equivalent P_2O_5 stored).

(2) No owner or operator subject to the provisions of this subpart shall ship fresh granular triple superphosphate from an affected facility.

§ 63.623 Standards for new sources.

(a) Diammonium and/or monoammonium phosphate process line. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.626 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 29.0 grams/metric ton of equivalent P_2O_5 feed (0.0580 lb/ton).

(b) Granular triple superphosphate process line. On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.626 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 61.50 grams/metric ton of equivalent P_2O_5 feed (0.1230 lb/ton).

(c) Granular triple superphosphate storage building

(1) On and after the date on which the performance test required to be conducted by §§ 63.7 and 63.626 is required to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 0.250 grams/hr/metric ton of equivalent P_2O_5 stored (5.0×10^{-4} lb/hr/ton of equivalent P_2O_5 stored).

(2) No owner or operator subject to the provisions of this subpart shall ship fresh granular triple superphosphate from an affected facility.

§ 63.624 Operating Requirements.

On or after the date on which the performance test required to be conducted by §§ 63.7 and 63.626 is required to be completed, the owner/operator using a wet scrubbing emission control system must maintain daily 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 to the requirements of § 63.625(f)(1) or (2).

MONITORING AND COMPLIANCE PROVISIONS

§ 63.625 Monitoring requirements.

(a) Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line or granular triple superphosphate process line subject to the provisions of this subpart 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 percent over its operating range.

(b) Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line or granular triple superphosphate process line subject to the provisions of this subpart shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate in metric ton/hour of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of paragraph (a) of this section and then by proceeding according to §63.626(c)(3).

(c) Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line, granular triple superphosphate process line, or granular triple superphosphate storage building using a wet scrubbing emission control system shall install, calibrate, maintain, and operate the following monitoring systems:

(1) 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 percent over its operating range.

(2) 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 percent over its operating range.

(d) The owner or operator of any granular triple superphosphate storage building subject to the provisions of this subpart shall maintain an accurate account of granular triple superphosphate in storage to permit the determination of the amount of equivalent P_2O_5 stored.

(e) (1) Each owner or operator of a new or existing granular triple superphosphate storage building subject to the provisions of this subpart shall maintain a daily record of total equivalent P_2O_5 stored by multiplying the percentage P_2O_5 content, as determined by § 63.626(d)(3), times the total mass of granular triple superphosphate stored.

(2) The owner or operator of any granular triple superphosphate storage building subject to the provisions of this subpart shall develop for approval by the Administrator a site-specific methodology including sufficient recordkeeping for the purposes of demonstrating compliance with § 63.622(c)(2) or 63.623(c)(2), as applicable.

(f) Following the date on which the performance test required in § 63.626 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in this subpart must establish allowable ranges for operating parameters using the methodology of either paragraph (f)(1) or (2) of this section:

(1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is $\pm$ 20 percent of the baseline average value determined as a requirement of § 63.626(c)(4) or (d)(4). The Administrator retains the right to reduce the $\pm$ 20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but, in no instance shall the adjustment be reduced to less than $\pm$ 10 percent. The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. The baseline average values used for compliance shall be based on the values determined during the most recent performance test. The new baseline average value shall be effective on the date following the performance test.

(2) The owner or operator of any new or existing affected source shall establish, and provide to the Administrator for approval, allowable ranges of baseline average values for the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with this subpart. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in this subpart and established in the manner required in § 63.626(c)(4) or (d)(4). As an alternative, the owner or operator can establish the allowable ranges of baseline average values using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in this subpart and established in the manner required in § 63.626(c)(4) or (d)(4). The source

shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges of baseline average values developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges of baseline average values. When a source using the methodology of this paragraph is retested, the owner operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters from previous tests. Any new allowable ranges of baseline average values resulting from the most recent performance test shall be effective on the date following the retest. Until changes to allowable ranges of baseline average values are approved by the Administrator, the allowable ranges for use in § 63.624 shall be based upon the range of baseline average values proposed for approval.

§ 63.626 Performance tests and compliance provisions.

(a) (1) On or before the applicable compliance date in § 63.630 and once per annum thereafter, each owner or operator of a phosphate fertilizers production plant subject to the provisions of this subpart shall conduct a performance test to demonstrate compliance with the applicable emission standard for each existing diammonium and/or monoammonium phosphate process line, granular triple superphosphate process line, or granular triple superphosphate storage building. The owner or operator shall conduct the performance test according to the procedures in subpart A of this part and in this section.

(2) As required by § 63.7(a)(2) and once per annum thereafter, each owner or operator of a phosphate fertilizers production plant subject to the provisions of this subpart shall conduct a performance test to demonstrate compliance with the applicable emission standard for each new diammonium and/or monoammonium phosphate process line, granular triple superphosphate process line, or granular triple superphosphate storage building. The owner or operator shall conduct the performance test according to the procedures in subpart A of this part and in this section.

(b) In conducting performance tests, each owner or operator of an affected source shall use as reference methods and procedures the test methods in 40 CFR Part 60, Appendix A, or other methods and procedures as specified in this section, except as provided in § 63.7(f).

(c) Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line or granular triple superphosphate process line shall determine compliance with the applicable total fluorides standards in § 63.622 or § 63.623 as follows:

(1) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left(\sum_{i=1}^{N} C_{si}\, Q_{sdi}\right)/(PK)$$

where:

E = emission rate of total fluorides, g/metric ton (lb/ton) of equivalent P_2O_5 feed.

C_{si} = concentration of total fluorides from emission point "i," mg/dscm (mg/dscf).

Q_{sdi} = volumetric flow rate of effluent gas from emission point "i," dscm/hr (dscf/hr).

N = number of emission points associated with the affected facility.

P = equivalent P_2O_5 feed rate, metric ton/hr (ton/hr).

K = conversion factor, 1000 mg/g (453,600 mg/lb).

(2) Method 13A or 13B (40 CFR part 60, appendix A) shall be used to determine the total fluorides concentration (C_{si}) and volumetric flow rate (Q_{sdi}) of the effluent gas from each of the

emission points. If Method 13 B is used, the fusion of the filtered material described in section 7.3.1.2 and the distillation of suitable aliquots of containers 1 and 2, described in sections 7.3.3 and 7.3.4 in Method 13 A, may be omitted. The sampling time and sample volume for each run shall be at least one hour and 0.85 dscm (30 dscf).

(3) The equivalent P_2O_5 feed rate (P) shall be computed using the following equation:

$$\mathbf{P = M_p R_p}$$

where:

M_p = total mass flow rate of phosphorus-bearing feed, metric ton/hr (ton/hr).

$R_p = P_2O_5$ content, decimal fraction.

(i) The accountability system described in § 63.625(a) and (b) shall be used to determine the mass flow rate (M_p) of the phosphorus-bearing feed.

(ii) The P_2O_5 content (R_p) of the feed shall be determined using as appropriate the following methods (incorporated by reference- see 40 CFR 63.14) specified in the Book of Methods Used and Adopted By The Association Of Florida Phosphate Chemists, Seventh Edition 1991, where applicable:

(A) Section IX, Methods of Analysis For Phosphate Rock, No. 1 Preparation of Sample.

(B) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method A-Volumetric Method.

(C) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method B-Gravimetric Quimociac Method.

(D) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5 or $Ca_3(PO_4)_2$, Method C-Spectrophotometric Method.

(E) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method A-Volumetric Method.

(F) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method B-Gravimetric Quimociac Method.

(G) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method C-Spectrophotometric Method.

(4) To comply with § 63.625(f)(1) or (2), the owner or operator shall use the monitoring systems in § 63.625(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of § 63.625(f)(1) or (2).

(d) Each owner or operator of a new or existing granular triple superphosphate storage building shall determine compliance with the applicable total fluorides standards in § 63.622 or § 63.623 as follows:

(1) The owner or operator shall conduct performance tests only when the following quantities of product are being cured or stored in the facility.

(i) Total granular triple superphosphate is at least 10 percent of the building capacity, and

(ii) Fresh granular triple superphosphate is at least six percent of the total amount of granular triple superphosphate, or

(iii) If the provision in paragraph (d)(1)(ii) of this sub-section exceeds production capabilities for fresh granular triple superphosphate, fresh granular triple superphosphate is equal to at least 5 days maximum production.

(2) In conducting the performance test, the owner or operator shall use as reference methods and procedures the test methods in Part 60, Appendix A, or other methods and procedures as specified in this section, except as provided in § 63.7(f).

(3) The owner or operator shall determine compliance with the total fluorides standard in §§ 63.622 and 63.623 as follows:

(i) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left(\sum_{i=1}^{N} C_{si}\, Q_{sdi}\right)/(PK)$$

where:

E = emission rate of total fluorides, g/hr/metric ton (lb/hr/ton) of equivalent P_2O_5 stored.

C_{si} = concentration of total fluorides from emission point ``i,'' mg/dscm (mg/dscf).

Q_{sdi} = volumetric flow rate of effluent gas from emission point ``i,'' dscm/hr (dscf/hr).

N = number of emission points in the affected facility.

P = equivalent P_2O_5 stored, metric tons (tons).

K = conversion factor, 1000 mg/g (453,600 mg/lb).

(ii) Method 13A or 13B (40 CFR part 60, appendix A) shall be used to determine the total fluorides concentration (C_{si}) and volumetric flow rate (Q_{sdi}) of the effluent gas from each of the emission points. If Method 13B is used, the fusion of the filtered material described in section 7.3.1.2 and the distillation of suitable aliquots of containers 1 and 2, described in Sections 7.3.3 and 7.3.4 in Method 13 A, may be omitted. The sampling time and sample volume for each run shall be at least one hour and 0.85 dscm (30 dscf).

(iii) The equivalent P_2O_5 feed rate (P) shall be computed using the following equation:

$$P = M_p R_p$$

where:

M_p = amount of product in storage, metric ton (ton).

R_p = P_2O_5 content of product in storage, weight fraction.

(iv) The accountability system described in § 63.625(d) and (e) shall be used to determine the amount of product (M_p) in storage.

(v) The P_2O_5 content (R_p) of the product stored shall be determined using as appropriate the following methods (incorporated by reference- see 40 CFR 63.14) specified in the Book of Methods Used and Adopted By The Association Of Florida Phosphate Chemists, Seventh Edition 1991, where applicable:

(A) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method A-Volumetric Method.

(B) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method B-Gravimetric Quimociac Method.

(C) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method C-Spectrophotometric Method, or,

(vi) The P_2O_5 content (R_p) of the product stored shall be determined using as appropriate the following methods (incorporated by reference- see 40 CFR 63.14) specified in the Official Methods of Analysis of AOAC International, sixteenth Edition, 1995, where applicable:

(A) AOAC Official Method 957.02 Phosphorus (Total) In Fertilizers, Preparation of Sample.

(B) AOAC Official Method 929.01 Sampling of Solid Fertilizers.

(C) AOAC Official Method 929.02 Preparation of Fertilizer Sample.

(D) AOAC Official Method 978.01 Phosphorus (Total) In Fertilizers, Automated Method.

(E) AOAC Official Method 969.02 Phosphorus (Total) In Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method.

(F) AOAC Official Method 962.02 Phosphorus (Total) In Fertilizers, Gravimetric Quinolinium Molybdophosphate Method.

(G) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizer, Spectrophotometric Molybdovanadophosphate Method.

(4) To comply with § 63.625(f)(1) or (2), the owner or operator shall use the monitoring systems described in § 63.625(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of § 63.625(f)(1) or (2).

NOTIFICATION, REPORTING AND RECORDKEEPING

§ 63.627 Notification, recordkeeping, and reporting requirements.

(a) Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in § 63.9.

(b) Each owner or operator subject to the requirements of this subpart shall comply with the recordkeeping requirements in § 63.10.

(c) The owner or operator of an affected source shall comply with the reporting requirements specified in § 63.10 as follows:

(1) Performance test report. As required by § 63.10, the owner or operator shall report the results of the initial and annual performance tests as part of the notification of compliance status required in § 63.9.

(2) Excess emissions report. As required by § 63.10, the owner or operator of an affected source shall submit an excess emissions report for any exceedance of an operating parameter limit. The report shall contain the information specified in § 63.10. When no exceedances of an operating parameter have occurred, such information shall be included in the report. The report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half. If exceedances are reported, the owner or operator shall report quarterly until a request to reduce reporting frequency is approved as described in § 63.10.

(3) Summary report. If the total duration of control system exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, the owner or operator shall submit a summary report containing the information specified in § 63.10 rather than the full excess emissions report, unless required by the Administrator. The summary report shall be

submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half.

(4) If the total duration of control system operating parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and the excess emissions report.

§ 63.628 Applicability of general provisions.

The requirements of the general provisions in subpart A of this part that are applicable to the owner or operator subject to the requirements of this subpart are shown in appendix A to this subpart.

§ 63.629 Miscellaneous requirements.

The Administrator retains the authority to approve site-specific test plans for uncontrolled granular triple superphosphate storage buildings developed pursuant to § 63.7(c)(2)(i).

§ 63.630 Compliance dates.

(a) Each owner or operator of an existing affected source at a phosphate fertilizers production plant shall achieve compliance with the requirements of this subpart no later than June 10, 2002. Notwithstanding the requirements of § 63.7(a)(2)(iii), each owner or operator of an existing affected source at a phosphate fertilizers production plant shall fulfill the applicable requirements of § 63.626 no later than June 10, 2002.

(b) Each owner or operator of a phosphate fertilizers production plant that commences construction or reconstruction of an affected source after December 27, 1996 shall achieve compliance with the requirements of this subpart upon startup of operations or by June 10, 1999, whichever is later.

(c) The owner or operator of any existing uncontrolled granular triple superphosphate storage building subject to the provisions of this subpart shall submit for approval by the Administrator a site-specific test plan for each such building according to the provisions of § 63.7 (b)(2)(i) no later than June 12, 2000.

OTHER

§ 63.631 Exemption from new source performance standards.

Any affected source subject to the provisions of this subpart is exempted from any otherwise applicable new source performance standard contained in 40 CFR Part 60, subpart V, subpart W, or subpart X. To be exempt, a source must have a current operating permit pursuant to Title V of the Act and the source must be in compliance with all requirements of this subpart. For each affected source, this exemption is effective upon the date that the owner or operator demonstrates to the Administrator that the requirements of §§ 63.624, 63.625 and 63.626 have been met.

§ 63.632 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in Sec. Sec. 63.620, 63.622 through 63.624, and 63.629 through 63.631.

(2) Approval of major alternatives to test methods under Sec. 63.7(e)(2)(ii) and (f), as defined in Sec. 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under Sec. 63.8(f), as defined in Sec. 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under Sec. 63.10(f), as defined in Sec. 63.90, and as required in this subpart.

Updated 3/7/03

40 CFR PART 63 Subpart A—Combined General Provisions for Subparts AA and BB - Phosphoric Acid Manufacturing and Phosphate Fertilizers Production Plants

§ 63.1 Applicability.

(a) *General.*

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

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

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

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

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

(iii) The General Provisions in this Subpart A do not apply to regulations developed pursuant to section112(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) [Reserved]

(8) [Reserved]

(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) [Reserved]

(14) [Reserved]

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

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

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

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

(2) [Reserved]

(3) An owner or operator of a stationary source 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 must comply with the provisions of that standard and of this subpart as provided in paragraph (a)(4) of this section.

(2) Except as provided in § 63.10(b)(3), if a relevant standard has been established under this part, the owner or operator of an affected source may be required to obtain a title V permit from a permitting authority in the State in which the source is located. Emission standards promulgated in this part for area sources pursuant to section 112(c)(3) of the Act will specify whether –

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

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

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

(3) [Reserved]

(4) [Reserved]

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

(d) [Reserved]

(e) If the Administrator promulgates an emission standard under section 112(d) or (h) of the Act that is applicable to a source subject to an emission limitation by permit established under section 112(j) of the Act, and the requirements under the section 112(j) emission limitation are substantially as effective as the

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

§ 63.2 Definitions.

Additional definitions in § 63.601 and § 63.621. When overlap between Subpart A occurs with Subparts AA and BB, Subparts AA and BB take precedence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective date means:

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

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

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

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

EPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 and monitoring 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.

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

(1) Indicator(s) of performance -- the parameter or parameters you measure or observe for demonstrating proper operation of the pollution control measures or compliance with the applicable emissions limitation or standard. Indicators of performance may include direct or predicted emissions measurements (including opacity), operational parametric values that correspond to process or control device (and capture system) efficiencies or emissions rates, and recorded findings of inspection of work practice activities, materials tracking, or design characteristics. Indicators may be expressed as a single maximum or minimum value, a function of process variables (for example, within a range of pressure drops), a particular operational or work practice status (for example, a damper position, completion of a waste recovery task, materials tracking), or an interdependency between two or among more than two variables.

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

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

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

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

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

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

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

(7) Feasibility and cost of monitoring; and

(8) Other relevant factors.

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

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

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

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

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

Responsible official means one of the following:

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

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

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

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

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

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

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

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

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

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.

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

§ 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
scmm= cubic meter at standard conditions per minute
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd^2 = square yards
yr = year

(c) Miscellaneous:
act = actual
avg = average
I.D. = inside diameter
M = molar
N = normal
O.D. = outside diameter
% = percent

§ 63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.*

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

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

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

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

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

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

(3) [Reserved]

(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 Preconstruction review and notification requirements.

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

(2) [Reserved]

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

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

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

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

(4) After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in § 63.9(b).

(5) [Reserved]

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

(c) [Reserved]

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

(1) *General application requirements.*

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

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

(A) The applicant's name and address;

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

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

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

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

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

(G) [Reserved]

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

(I) [Reserved]

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

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

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

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

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

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

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

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

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

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

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

(e) *Approval of construction or reconstruction.*

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

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

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

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

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

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

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

§ 63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.*

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

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

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

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

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

See also § 63.609 and § 63.629.

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

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

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

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

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

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

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

(6) [Reserved]

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

(c) *Compliance dates for existing sources.*

§ 63.609 and § 63.629 specify dates.

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

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

(3)–(4) [Reserved]

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

(d) [Reserved]

(e) *Operation and maintenance requirements.* **§ 63.604 and § 63.624 specify additional requirements.**.

(1) (i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the relevant standards, i.e., meet the emission standard or comply with the startup, shutdown, and malfunction plan. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which

may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

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

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

(2) [Reserved]

(3) *Startup, shutdown, and malfunction plan.*

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

(A) Ensure that, at all times, the owner or operator operate and maintain affected sources, including associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the 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 must operate and maintain such source (including associated air pollution control and monitoring equipment) in accordance with the procedures specified in the startup, shutdown, and malfunction plan developed under paragraph (e)(3)(i) of this section.

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

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

(v) The owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the startup, shutdown, and malfunction plan is subsequently revised as provided in paragraph (e)(3)(viii) of this section, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption of a startup, shutdown, and malfunction plan the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator.

(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 and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the relevant standards;

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

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

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

(ix) The title V permit for an affected source must require that the owner or operator adopt a startup, shutdown, and malfunction plan which conforms to the provisions of this part, and that the owner or operator operate and maintain the source in accordance with the procedures specified in the current startup, shutdown, and malfunction plan. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions

under part 70 or part 71 of this chapter. Moreover, none of the procedures specified by the startup, shutdown, and malfunction plan for an affected source shall be deemed to fall within the permit shield provision in section 504(f) of the Act.

(f) *Compliance with nonopacity emission standards* - **§§ 63.622 through 625 and §§ 63.602 through 605 specify additional requirements.**

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

(2) *Methods for determining compliance.*

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

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

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

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

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

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

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

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

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

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

(g) *Use of an alternative nonopacity emission standard.*

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

notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

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

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

(h) *Compliance with opacity and visible emission standards* – **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 must be submitted in writing to the appropriate authority no later than 120 days prior to the affected source's compliance date (as specified in paragraphs (b) and (c) of this section), except as provided for in paragraph (i)(4)(i)(C) of this section. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the date of denial. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.

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

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

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

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

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

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

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

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

(C) [Reserved]

(D) [Reserved]

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

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

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

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

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

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

(ii) Specify the termination date of the extension;

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

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

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

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

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

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

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

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

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

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

(iv) The Administrator's final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is

complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

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

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

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

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

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

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

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

(i) Notice of the reason for termination; and

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

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

(15) [Reserved]

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

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

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.* **§63.609(a) and §63.629(a) apply rather than §63.7(a)(2)(iii).**

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

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

(i)- (viii) [Reserved]

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

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

(b) *Notification of performance test.*

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

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

(c) *Quality assurance program.*

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

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

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

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

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is

scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

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

(3) *Approval of site-specific test plan.*

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

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

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

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

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

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

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

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

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

(4) (i) *Performance test method audit program.* The owner or operator must analyze performance audit (PA) samples during each performance test. The owner or operator must request performance audit materials 30 days prior to the test date. Audit materials including cylinder audit gases may be obtained by contacting the appropriate EPA Regional Office or the responsible enforcement authority.

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

(iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of

the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.

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

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

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

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

(2) Safe sampling platform(s);

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

(4) Utilities for sampling and testing equipment; and

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

(e) *Conduct of performance tests*. **{§ 63.624 and § 63.625 and § 63.604 and § 63.605 specify additional requirements.}**

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

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

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

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

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

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

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

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

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

(iii) Extreme meteorological conditions occur; or

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

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

(f) *Use of an alternative test method* -

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

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

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

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

(iii) Submits the results of the Method 301 validation process along with 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 and issue an approval or disapproval of the alternative test method. If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method. However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval/disapproval 45 days after submission of the request to use an alternative method and the request satisfies the requirements in paragraph (f)(2) of this section. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

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

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

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

(g) *Data analysis, recordkeeping, and reporting.*

(1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is ''completed'' when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the, close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator (see §

63.9(i)). The results of the performance test shall be submitted as part of the notification of compliance status required under § 63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) [Reserved]

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

(h) *Waiver of performance tests.*

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

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

(3) Request to waive a performance test.

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

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

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

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

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

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

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

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

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

§ 63.8 Monitoring requirements.

(a) *Applicability.*

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

(2) **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 (see § 63.90(a) for definition);

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

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

(2) (i) When the 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 must maintain and operate each CMS as specified in § 63.6(e)(1).

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

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

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

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

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

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

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

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

(5)-(8) **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* – **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 procedure (minor, intermediate, or major changes; see definition in § 63.90(a)) has been granted by the Administrator under this paragraph (f)(1), the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The application must contain a description of the proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in § 63.2 and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application must include information justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

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

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

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

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

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

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

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

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

(6) **Subparts AA and BB do not require CEMS.**

(g) *Reduction of monitoring data.*

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

(2) **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 must not be included in any data average computed under this part. For the owner or operator complying with the requirements of § 63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

§ 63.9 Notification requirements.

(a) *Applicability and general information.*

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

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

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

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

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

(b) *Initial notifications.*

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

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

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

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

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

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

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

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

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

(3) [Reserved]

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

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

(ii) [Reserved]

(iii) [Reserved]

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

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

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

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

(c) *Request for extension of compliance.* If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with § 63.6(i)(5) of this subpart, he/she may

submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in § 63.6(i)(4) through § 63.6(i)(6).

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

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

(f) *Notification of opacity and visible emission observations.* **Subparts AA and BB do not include VE/opacity standards.**

(g) *Additional notification requirements for sources with continuous monitoring systems.* **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) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

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

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

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity (or activities that have the same compliance date) specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance

test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations.

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

(4) [Reserved]

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

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

(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.*

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

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

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

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

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

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

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information.*

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

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

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

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

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

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

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

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

(b) *General recordkeeping requirements.*

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

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

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

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

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

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

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

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

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

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

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this 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 regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under § 63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

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

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

(2)–(4) [Reserved]

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

(6) **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) **Subparts AA and BB do not require a CMS quality control program.**

(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) *Reporting results of opacity or visible emission observations.* **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) *General.* **Subparts AA and BB do not require CEMS or CMS performance evaluations.**

(2) *Reporting results of continuous monitoring system performance evaluations.* **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) and §63.626(c)(2) include 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) Reporting continuous opacity monitoring system data produced during a performance test. **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.* The applicability of this section is set out in Sec. 63.1(a)(4).

(b) Flares. **Flares not applicable.**

§ 63.12 State authority and delegations.

{Authority for approval of site-specific test plans for GTSP storage buildings is retained by EPA (see § 63.628(a)).}

(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 St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 § 63.1251 of subpart GGG of this part.

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

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

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

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

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

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

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

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

(2) [Reserved]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The following material is available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2300, Fairfield, NJ 07007-2300; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112: ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]", IBR approved for §§ 63.3360(d)(1)(iii), 63.4166(a)(3), and 63.5160(d)(1)(iii).

(j) The following material is available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2300, Fairfield, NJ 07007-2300; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112: ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses, IBR approved for § 63.5160(d)(1)(iii).

§ 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.

MEMORANDUM

TO: Michael G. Cooke

THRU: Trina Vielhauer

FROM: Bobby Bull

DATE: September 28, 2005

SUBJECT: FINAL Permit No. 1050046-018-AV
Mosaic Fertilizer, LLC
Bartow Facility

Attached for approval and signature is a final Title V operation permit for the Bartow Facility. This renewal incorporated conditions from Air Construction Permit Nos. 1050046-008-AC, 1050046-017-AC, and 1050046-022-AC.

Comments were received from the facility concerning the DRAFT Permit that was clerked on June 9, 2005. The comments were insignificant and did not change the draft permit. No comments were received from EPA Region IV on the PROPOSED Permit.

I recommend your approval and signature.

Attachment

TV/rlb

Friday, Barbara

To: Scott_mccann@golder.com; Waters, Jason; Phil.Steadham@mosaicco.com
Cc: Bull, Robert
Subject: FINAL Title V Permit Renewal No.: 1050046-018-AV - Mosaic Fertilizer, LLC - Bartow Facility
Attachments: 1050046.018.AV.F[1].zip

Attached for your records is a zip file for the subject FINAL Title V Permit Renewal.

If I may be of further assistance, please feel free to contact me.

Barbara J. Friday
Planner II
Bureau of Air Regulation
(850)921-9524
Barbara.Friday@dep.state.fl.us