



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

*Electronic Mail – Received Receipt Requested*

Mr. Cary O. Cohrs, President  
American Cement Company, LLC  
4750 E. CR 470, P.O. Box 445  
Sumterville, FL 33585

Re: Permit No. 1190042-007-AV  
American Cement Company, LLC Sumterville Cement Plant  
Initial Title V Air Operation Permit


Dear Mr. Cohrs:

Enclosed is the draft permit package for the initial Title V air operation permit for the Sumterville Cement Plant. This facility is located in Sumter County at 4750 E. CR 470, Sumterville, Florida. The permit package includes the following documents:

- The Statement of Basis, which summarizes the facility, the equipment, and the primary rule applicability.
- The draft initial Title V air operation permit, which includes the specific permit conditions that regulate the emissions units covered by the proposed project.
- The Written Notice of Intent to Issue Air Permit provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue an air permit; the procedures for submitting comments on the draft permit; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Air Permit must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication.

If you have any questions, please contact the Project Engineer, David Zell, by email at [david.zelli@dep.state.fl.us](mailto:david.zelli@dep.state.fl.us) or by telephone at (813) 632-7600, extension 118.

Sincerely,

  
Cindy Zhang-Torres, P.E.  
Air Permitting Manager  
Southwest District

April 5, 2011  
Date

Enclosures  
CZ/dz/pp

**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

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*In the Matter of an*

*Application for Title V Air Operation Permit by:*

American Cement Company, LLC  
4750 E. CR 470, P.O. Box 445  
Sumterville, FL 33585

Permit No. 1190042-007-AV  
Facility ID No. 1190042  
Sumterville Cement Plant  
Initial Title V Operation Permit  
Sumter County, Florida

*Responsible Official:*

Mr. Cary O. Cohrs, President

**Facility Location:** American Cement Company, LLC operates the Sumterville Cement Plant, which is located in Sumter County at 4750 E. CR 470, Sumterville, Florida.

**Project:** The purpose of this project is for an initial Title V air operation permit, for the above referenced facility. Details of the project are provided in the application and the enclosed Statement of Basis.

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Department of Environmental Protection's Air Resource Section in the Southwest District is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's mailing address is: 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's telephone number is 813-632-7600.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft permit, the statement of basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft permit by visiting the following website: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit:** The Permitting Authority gives notice of its intent to issue a draft initial Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a proposed permit and subsequent final permit in accordance with the conditions of the draft permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Public Notice:** Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

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**Comments:** The Permitting Authority will accept written comments concerning the draft Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft permit, the Permitting Authority shall issue a revised draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the

**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**


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proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available in this proceeding.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Hillsborough County, Florida.



\_\_\_\_\_  
Cindy Zhang-Torres, P.E.  
Air Permitting Manager  
Southwest District



**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Title V Air Operation Permit (including the Public Notice, the Statement of Basis, and the Draft Permit), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 04-05-2011 to the persons listed below.


Mr. Cary O. Cohrs, President, American Cement Company, LLC  
(ccohrs@americacementcompany.com)

Mr. Charles Robertson, Environmental Manager, American Cement Company, LLC  
(crobertson@americacementcompany.com)

Mr. Steven C. Cullen, P.E., Koogler and Associates, Inc.  
(SCullen@kooglerassociates.com)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
(Clerk)

04-05-2011  
(Date)

In addition, copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT (including the DRAFT permit package) were posted electronically as noted to the person(s) listed below:

Ms. Barbara Friday, DEP BAR (posted electronically on DEP DARM\_Common drive by permit engineer and email notification sent to Barbara Friday at [barbara.frday@dep.state.fl.us](mailto:barbara.frday@dep.state.fl.us) for posting with U.S. EPA, Region 4)

## PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

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Florida Department of Environmental Protection  
Southwest District  
Draft Permit No. 1190042-007-AV  
American Cement Company, LLC  
Sumter County, Florida

**Applicant:** The applicant for this project is American Cement Company, LLC. The applicant's responsible official and mailing address are: Mr. Cary O. Cohrs, President, American Cement Company, LLC, 4750 E. CR 470, P.O. Box 445, Sumterville, FL 33585.

**Facility Location:** The applicant operates the Sumterville Cement Plant, which is located in Sumter County at 4750 E. CR 470, Sumterville, Florida.

**Project:** The applicant applied on August 11, 2010, to the Department for an initial Title V air operation permit. The facility consists of a nominal 1,150,000 tons per year dry process Portland cement manufacturing plant and a surface limestone mine. The manufacture of Portland cement primarily involves the crushing, grinding, and blending of limestone, clays, and other raw materials into a chemically proportioned mixture which is heated in a rotary kiln to extremely high temperature to produce clinker nodules. The clinker is cooled and ground with a small quantity of gypsum to produce finished cement.

The plant equipment includes: a primary limestone crusher and conveyance equipment to transport limestone to raw material storage; a raw material storage building for limestone and materials containing silica, iron, and additives; stackers, reclaimers, and conveyance equipment to raw materials storage, drying and milling; an in-line raw mill that simultaneously dries raw materials using the exhaust gas from the preheater/calcliner (PH/C), kiln, and clinker cooler; an air heater for use when additional drying capacity is required; a homogenizing (blending) silo; a coal and petroleum coke mill; a dry process PH/C kiln capable of producing 3,000 tons per day of clinker; whole tire kiln feeder system; a reciprocating clinker cooler; conveyance equipment to cement clinker storage; conveyance equipment to the cement finish mill; cement storage silos and a truck loadout area; and a packhouse. The plant uses pulverized coal, petroleum coke, whole scrap tires, diesel fuel, and on-specification used oil as fuel sources for the calciner/kiln system. The primary calciner/kiln operating fuel is pulverized coal. The air heater is fired with natural gas, distillate fuel oil, and on-specification used oil.

Nitrogen oxides (NO<sub>x</sub>) emissions are minimized by indirect firing in a low-NO<sub>x</sub> main kiln burner, and staged combustion and a selective non-catalytic reduction (SNCR) ammonia injection system in the calciner. Sulfur dioxide (SO<sub>2</sub>) emissions are controlled by the use of inherently low sulfur raw materials and scrubbing by finely divided lime in the calciner. Carbon monoxide (CO) and volatile organic compound (VOC) emissions are controlled by promoting complete combustion in the kiln and calciner, and minimizing carbon and oily content of raw materials. Particulate matter (PM/PM<sub>10</sub>) from the pyroprocessing system (the PH/C, kiln, in-line raw mill, and clinker cooler) are controlled by a single large fabric filter main baghouse. Numerous other baghouses are included to control PM/PM<sub>10</sub> dust emissions from materials conveyance, transfer, grinding, and handling. Fugitive PM/PM<sub>10</sub> emissions from raw material piles, loading operations, transportation, etc. are controlled by reasonable precautions including paving, road sweeping, watering, planting grass, etc.

This plant is subject to the maximum achievable control technology (MACT) requirements in 40 CFR 63 Subpart LLL – National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry, which regulates emissions of PM, mercury, total hydrocarbons (THC), dioxins/furans (D/F) and hydrochloric acid (HCl). In addition, the plant is subject to the Department's determination of best available control technology (BACT) for NO<sub>x</sub>, CO, SO<sub>2</sub>, VOC and PM/PM<sub>10</sub> and the associated BACT emission limitations for each of these air pollutants.

This facility includes continuous emissions monitoring systems (CEMS) for NO<sub>x</sub>, CO, SO<sub>2</sub>, total hydrocarbons (THC)/VOC, opacity, and mercury (Hg) on the pyroprocessing system main fabric filter baghouse exhaust stack.

(Public Notice to be Published in the Newspaper)

## PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

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**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Department of Environmental Protection's Air Resource Section in the Southwest District is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's mailing address is: 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's telephone number is 813-632-7600.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft permit, the statement of basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft permit by visiting the following website: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit:** The Permitting Authority gives notice of its intent to issue a draft initial Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a proposed permit and subsequent final permit in accordance with the conditions of the draft permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the draft Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft permit, the Permitting Authority shall issue a revised draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that

(Public Notice to be Published in the Newspaper)

## PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

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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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

**Mediation:** Mediation is not available for this proceeding.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

American Cement Company, LLC  
Site Name

Facility ID No. 1190042  
Sumter County

**Initial Title V Air Operation Permit**

Permit No. 1190042-007-AV



**Permitting and Compliance Authority:**

State of Florida  
Department of Environmental Protection  
Air Resource Management, Southwest District

13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Telephone: (813) 632-7600

Fax: (813) 632-7668

## Initial Title V Air Operation Permit

Permit No. 1190042-007-AV

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*\* These documents are included together in a Combined Appendices & Attachments electronic file.*

## ***DRAFT PERMIT***

**PERMITTEE:**

American Cement Company, LLC  
4750 E. CR 470, P.O. Box 445  
Sumterville, Florida 33585

Permit No. 1190042-007-AV  
Sumterville Cement Plant  
Facility ID No. 1190042  
Initial Title V Air Operation Permit

The purpose of this permit is for the initial Title V air operation permit for the above referenced facility. The Sumterville Cement Plant is located in Sumter County at 4750 E. CR 470, Sumterville, Florida. UTM Coordinates are: Zone 17, 399.80 East and 3181.90 North. Latitude is: 28° 45' 45.0" North; and, Longitude is: 82° 01' 35.0" West.

The Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213. The above named permittee is hereby authorized to operate the facility in accordance with the terms and conditions of this permit.

Effective Date:  
Renewal Application Due Date:  
Expiration Date:

*(Draft)*

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Cindy Zhang-Torres, P.E.  
Air Permitting Manager  
Southwest District

CZ/dz/pp



**Subsection A. Facility Description**

The facility will be a nominal 1,150,000 tons per year (TPY) dry process Portland cement plant incorporating a dry process kiln with a preheater and calciner (PH/C). The facility includes a surface limestone mine. The manufacture of Portland cement primarily involves the crushing, grinding, and blending of limestone, clays, and other raw materials into a chemically proportioned mixture which is heated in a rotary kiln to extremely high temperature to produce clinker nodules. The clinker is cooled and ground with a small quantity of gypsum to produce finished cement.

Major equipment associated with the main components of the plant includes the following:

- A materials storage building (MSB);
- A primary crusher at the quarry and belt conveyors to MSB;
- Raw material piles stored inside of the MSB. The piles will include limestone, alumina sources (e.g. bauxite, clay, and coal ash), iron sources (e.g. mill scale and iron ore), silica sources (e.g. sand), and additives (e.g. feldspar);
- Materials handling equipment including portal reclaimers, stackers, belt conveyors, conveyor from the MSB to the raw mill, control system/analyzer, etc.;
- An in-line raw mill that simultaneously dries raw materials using the exhaust gas from the kiln, PH/C, and clinker cooler;
- A preheater/calciner (PH/C) capable of burning coal, petroleum coke, new No. 2 oil, on-specification used oil, and natural gas; with staged combustion and selective non-catalytic reduction (SNCR) system;
- An air heater, capable of firing No. 2 or No. 4 fuel oil, on-specification used fuel oil or natural gas, for use when additional drying capacity is required;
- A nominal 10,000 ton homogenizing (blending) silo;
- A nominal 18 TPH coal and petroleum coke grinding system with associated mill, storage facility, conveyors, including a fabric filter baghouse;
- A dry process preheater/calciner (PH/C) kiln capable of producing 3,000 tons per day of clinker;
- An indirect-firing system with a low-NO<sub>x</sub> main kiln burner capable of burning coal, petroleum coke, new No. 2 fuel oil, on-specification used oil, and natural gas;
- A whole tire kiln feeder system;
- A clinker cooler with reciprocating grates, cooling air fans, and hot air ducting to the kiln and PH/C;
- Clinker storage and grinding including a finish mill with air separator, clinker silos with metering device, limestone and gypsum piles, and associated conveyors; and
- A cement transfer and storage facility including truck loadout and packhouse.

The facility uses pulverized coal, petroleum coke, whole scrap tires, No. 2 fuel oil, and on-specification used oil as fuel sources for the calciner/kiln system. The primary calciner/kiln operating fuel is pulverized coal. The air heater is fired with natural gas, No. 2 or No. 4 fuel oil, and on-specification used oil.

Nitrogen oxides (NO<sub>x</sub>) emissions are minimized by indirect firing in a low-NO<sub>x</sub> main kiln burner, and staged combustion and a selective non-catalytic reduction (SNCR) ammonia injection system in the preheater/calciner. Sulfur dioxide (SO<sub>2</sub>) emissions are controlled by the use of inherently low sulfur raw materials and scrubbing by finely divided lime in the calciner. Carbon monoxide (CO) and volatile organic compound (VOC) emissions are controlled by promoting complete combustion in the kiln and calciner, and minimizing carbon and oily content of raw materials. Particulate matter (PM/PM<sub>10</sub>) from the PH/C, kiln, in-line raw mill, and clinker cooler are controlled by a single large fabric filter main baghouse. Numerous other baghouses are included to control PM/PM<sub>10</sub> emissions from materials conveyance, transfer, grinding, and handling. Fugitive PM/PM<sub>10</sub> emissions

**SECTION I. FACILITY INFORMATION**

from raw material piles, loading operations, transportation, etc. are controlled by reasonable precautions including paving, road sweeping, watering, planting grass, etc.

This plant is subject to the maximum achievable control technology (MACT) requirements in 40 CFR 63 Subpart LLL – National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry. In addition, the plant is subject to the Department’s determination of best available control technology (BACT) for NO<sub>x</sub>, CO, SO<sub>2</sub>, VOC and PM/PM<sub>10</sub> and the associated BACT emission limitations for each of these air pollutants. *(See Appendix BD - Final BACT Determination and Emission Standards.)*

This facility includes continuous emissions monitoring systems (CEMS) for NO<sub>x</sub>, CO, SO<sub>2</sub>, total hydrocarbons (THC)/VOC, opacity, and mercury (Hg) on the PH/C kiln, in-line raw mill, and clinker cooler fabric filter baghouse exhaust stack.

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

**Subsection B. Summary of Emissions Units**

EU No.	Brief Description
<i>Regulated Emissions Units</i>	
001	Raw Material Quarrying, Crushing, and Storage (includes raw material processing from quarry up to raw material storage, and additives handling from delivery to storage)
002	Raw Materials Conveying, Storage, and Processing (from raw material and additive storage to preheater - includes conveyance of raw materials and raw meal to and from raw mill, and homogenizing (blending) silo)
003	Pyroprocessing System (includes kiln, preheater/calcliner, raw mill, air heater, and clinker cooler)
004	Clinker and Additives Storage and Handling (includes clinker handling from clinker cooler to clinker silo discharge, and clinker and additive handling from storage to the finish mill)
005	Finish Mill (Clinker Grinding)
006	Cement Handling, Storage, Packing, and Loadout (includes cement conveyance to silos, cement silos, loadout to trucks from silos, and cement bagging operations)
007	Coal and Petroleum Coke Grinding System (includes coal/petroleum coke handling from railcar unloading to the pulverized fuel bin)
008	Fugitive Dust From Storage Piles, Paved Roads, and Unpaved Roads
009	Stationary Emergency Generator Combustion Ignition (CI) Reciprocating Internal Combustion Engine (RICE) <i>(See Appendix ICE)</i>

**SECTION I. FACILITY INFORMATICS**

**Subsection C. Applicable Regulations**

Based on the initial Title V air operation permit application received August 11, 2010, this facility is a major source of hazardous air pollutants (HAP).

The existing facility is a PSD major source of air pollutants in accordance with Rule 62-212.400, F.A.C.

A summary of applicable regulations is shown in the following table.

<b>Federal Regulations *</b>	<b>EU No(s).</b>
40 CFR 60, NSPS Subpart A - General Provisions for 40 CFR 60	001 through 007, 009
40 CFR 60, NSPS Subpart F - Standards of Performance for Portland Cement Plants	002 through 006
40 CFR 60, NSPS Subpart Y - Standards of Performance for Coal Preparation Plants	007
40 CFR 60, NSPS Subpart OOO - Standards of Performance for Non-Metallic Mineral Processing Plants	001
40 CFR 60, NSPS Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	009
40 CFR 63, NESHAP Subpart A - General Provisions for 40 CFR 63	002 through 007
40 CFR 63, NESHAP Subpart LLL - National Emissions Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry - Major Sources <sup>1</sup>	002 through 007
<b>State Regulations</b>	<b>EU Nos.</b>
Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C.	All
Rule 62-296.212.400(10), Control Technology Review, F.A.C. (Best Available Control Technology (BACT) Determination)	All
Rule 62-296.407, Portland Cement Plants, F.A.C.	003

\* The provisions of these federal regulations are included as a part of this permit in the attached appendices.

<sup>1</sup> NESHAP Subpart LLL Applicability Note - Unless otherwise noted in this permit, the applicable version of NESHAP Subpart LLL is 40 CFR 63 Subpart LLL as amended in the September 9, 2010 Federal Register (09/09/10 FR), included in this permit as Appendix NESHAP 40 CFR 63 Subpart LLL (09/09/10 FR). For Emissions Unit (EU) No. 003 (Pyroprocessing System) for certain emission limitations (for pollutants PM, mercury, THC and HCl) and associated compliance requirements, the applicable version of NESHAP Subpart LLL until September 9, 2013 is 40 CFR 63 Subpart LLL as amended in the December 20, 2006 Federal Register (12/20/06 FR), included in this permit as Appendix NESHAP 40 CFR 63 Subpart LLL (12/20/06 FR). See the Emissions Unit Specific Conditions Subsection for EU No. 003 (Section III., Subsection C.) for specifics on this.

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

**FW1. Appendices** - The permittee shall comply with all documents identified in Section IV, Appendices, listed in the Table of Contents. Each document is an enforceable part of this permit unless otherwise indicated.  
[Rule 62-213.440, F.A.C.]

**Emissions and Controls**

**FW2. Not federally enforceable Objectionable Odor Prohibited** - No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.  
[Rule 62-296.320(2) and 62-210.200(Definitions), F.A.C.]

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

*(Permitting Note - Nothing is deemed necessary and ordered at this time.)*

**FW4. General Visible Emissions (VE)** - No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C. This regulation does not impose a specific testing requirement.  
[Rule 62-296.320(4)(b)1, F.A.C.]

**Annual Reports and Fees**

*See Appendix RR, Facility-wide Reporting Requirements for additional details.*

**FW5. Annual Operating Report (AOR)** - The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by April 1<sup>st</sup> of each year. *(Permitting Note – See also APPENDIX RR Item RR5 for more AOR information.)*  
[Rule 62-210.370(3), F.A.C.]

**FW6. Annual Emissions Fee Form and Fee** - The annual Title V emissions fees are due (postmarked) by March 1<sup>st</sup> of each year. The completed form and calculated fee shall be submitted to: Major Air Pollution Source Annual Emissions Fee, P.O. Box 3070, Tallahassee, Florida 32315-3070. The forms are available for download by accessing the Title V Annual Emissions Fee On-line Information Center at the following Internet web site: <http://www.dep.state.fl.us/air/emission/tvfee.htm>. *(Permitting Note – See also APPENDIX RR Item RR6. for more Title V emissions fee information.)*  
[Rule 62-213.205, F.A.C.]

**FW7. Annual Statement of Compliance** - The permittee shall submit an annual statement of compliance to the compliance authority at the address shown on the cover of this permit within 60 days after the end of each calendar year during which the Title V permit was effective. *(Permitting Note – See also APPENDIX RR Item RR7. for more annual statement of compliance information.)*  
[Rules 62-213.440(3)(a)2. & 3. and (3)(b), F.A.C.]

**FW8.** Prevention of Accidental Releases (Section 112(r) of CAA) - If and when the facility becomes subject to 112(r), the permittee shall:

- a. Submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center. Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to: RMP Reporting Center, Post Office Box 10162, Fairfax, VA 22038, Telephone: (703) 227-7650.
- b. Submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.

[40 CFR 68]

SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit (EU) No. 001 - Raw Material Quarrying, Crushing, and Storage

The specific conditions in this section apply to the following emissions unit (EU):

EU ID No.	Brief Description
001	Raw Material Quarrying, Crushing, and Storage

This emissions unit consists of raw material processing from quarry up to raw material storage, and additives handling from delivery to storage. Equipment includes a primary crusher at the quarry, and two raw materials storage buildings (MSB). Covered belt conveyors (Belts BO-3, BO-2 and BO-1) convey the crushed limestone between the crusher and the MSB. Raw material piles created via a Tripper Belt and stored inside of the MSB include limestone, alumina sources (e.g. bauxite, clay and coal ash), iron sources (e.g. mill scale and iron ore), silica sources (e.g. sand), and additives (e.g. feldspar). Other materials handling equipment includes portal reclaimers, stackers, hoppers, belt conveyors, a conveyor from the MSB to the raw mill, and a control system/analyzer.

Raw material quarrying, crushing, and storage contains the following emissions points.

- Primary crusher and all belt conveyors (Belts BO-3, BO-2 and BO-1) and belt conveyor transfer points to raw material storage building (Crusher to Belt BO-3; Belt BO-3 to Belt BO-2; Belt BO-2 to Belt BO-1; Belt BO-1 to Tripper Belt (inside the MSB); Tripper Belt to Limestone Pile (inside MSB)).
- All conveyors and hoppers associated with additives handling and storage.

PSD BACT Determinations - A determination of the Best Available Control Technology (BACT) was made for particulate matter (PM/PM<sub>10</sub>). To satisfy the BACT requirements for this emission unit the visible emissions limits act as surrogate standards for PM.

[Rule 62-212.400 (Prevention of Significant Deterioration (PSD)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

Federal New Source Performance Standards (NSPS) Requirements - This emissions unit is subject to 40 CFR 60, Subpart A (General Provisions) and 40 CFR 60, Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants)\*, adopted by reference in Rule 62-204.800(8)(b), F.A.C. (see *Specific Condition No. A.10*). The Department determines that the BACT emissions performance requirements are as stringent as or more stringent than the limits imposed by the applicable NSPS provisions\*. Some separate reporting and monitoring may be required by the individual subpart.

[Rule 62-204.800(8), F.A.C.; 40 CFR 60 Subpart OOO; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* Subpart OOO Applicability Note - Construction of the various components of this emission unit were commenced on or before October 18, 2007, which is before the April 28, 2008 trigger date contained in Subpart OOO for the applicability of some requirements. Any affected equipment that commences construction, modification or reconstruction after April 22, 2008 may be subject to more stringent Subpart OOO requirements. )*

**Essential Potential to Emit (PTE) Parameters**

**A.1. Hours of Operation** - This emissions unit is permitted to operate continuously (i.e., 8,760 hours per year). [Rule 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION 1. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection A. Emissions Unit (EU) No. 001 - Raw Material Quarrying, Crushing, and Storage**

**A.2. Process Rate Limitations** - The crusher may process up to 750 tons (dry basis) per hour of raw materials on a monthly average basis. No more than 1,482,000 tons (dry basis) of raw materials shall be processed during any consecutive 12 month period. *(See Specific Condition No. A.9. for recordkeeping requirements associated with these process rate limitations.)* [Rule 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(Permitting Note - For emissions unit operating rate limitation after testing, see the related testing provisions in Appendix TR, Facility-wide Testing Requirements. [Rule 62-297.310(2), F.A.C.]*

**Emission Limitations and Standards**

*(Permitting Note - The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

Unless otherwise specified, the averaging time for Specific Condition A.3. is based on the specified averaging time of the applicable test method.

**A.3. Visible Emission Standards** - Visible emissions (VE) shall not exceed the following limits. These visible emissions standards do not apply to truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher *(see NSPS Subpart 000 40 CFR 60.672(d)).*

- a. Fugitive emissions from the crusher shall not exceed 15% opacity\*.
- b. Fugitive emissions from any transfer point on belt conveyors or from any other affected facility shall not exceed 10% opacity. This visible emissions limit is applicable to the following transfer points\*.
  1. Crusher to Conveyor Belt BO-3
  2. Conveyor Belt BO-3 to Conveyor Belt BO-2
  3. Conveyor Belt BO-2 to Conveyor Belt BO-1
  4. Conveyor Belt BO-1 to Tripper Belt (inside the Material Storage Building (MSB))\*
  5. Tripper Belt to Limestone Storage Pile (inside the Material Storage Building (MSB))\*

*(\*MSB Transfer Points Permitting Note - The transfer points for Conveyor Belt BO-1 to the tripper, and the tripper to the limestone pile are both inside raw material storage building(s) and covered by the optional building openings visible emissions limitation in c. below.)*

*(\*NSPS Subpart 000 Note – The BACT Determination VE opacity limits in a. and b. above are identical to the applicable NSPS Subpart 000 Table 3 VE limits.)*

[Appendix BD - Final BACT Determination and Emission Standards; NSPS Subpart 000 40 CFR 60.672(b) and Table 3 to Subpart 000]

- c. As an option to complying with b. above, any transfer points enclosed in a building may instead comply with an emission limitation on the building that fugitive emissions from building openings must not exceed 7% opacity. (This visible emissions limit option is applicable to the transfer points inside the two (2) material storage buildings (MSB) (i.e., transfer points b.4 and b.5. above). [NSPS Subpart 000 40 CFR 60.672((e))]

[Rules 62-204.800(8), and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; NSPS Subpart 000 40 CFR 60.672; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection A. Emissions Unit (EU) No. 001 - Raw Material Quarrying, Crushing, and Storage**

**Compliance Test Methods and Procedures**

*(Permitting Note - The attached Table 2, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

- A.4. Test Methods** - Required compliance tests shall be performed in accordance with the following reference method:

<b>Method</b>	<b>Description of Method and Comments</b>
9	Visual Determination of the Opacity of Emissions from Stationary Sources (for VE opacity compliance tests)

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

[Rules 62-297.401, and 62-204.800(8) F.A.C.; NSPS Subpart OOO 40 CFR 60.675; Construction Permit 1190042-001-AC (PSD-FL-361)]

- A.5. Annual Visible Emissions (VE) Compliance Testing** - In order to document compliance with the visible emissions limitations of Specific Condition No. A.3., the following emission sources shall each be tested for visible emissions during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>):
- a. the crusher;
  - b. the conveyor belt transfer points listed in Specific Condition No. A.3.b.; and
  - c. the raw material storage buildings openings (if the building is in use transferring and storing material)

[Rule 62-297.310(7), F.A.C.; partially established in Construction Permit 1190042-001-AC (PSD-FL-361)]

- A.6. Testing Requirements** - Unless otherwise specified, compliance tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit, as well as the applicable NSPS provisions of NSPS Subpart OOO 40 CFR 60.675.
- [Rule 62-297.310, F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Reporting and Recordkeeping Requirements**

- A.7. Compliance Test Reports** - For each compliance test conducted, the permittee shall file a test report including the information specified in Rule 62-297.310(8), F.A.C. with the compliance authority no later than 45 days after the last run of each test is completed. *(See Condition TR8. in Appendix TR, Facility-Wide Testing Requirements for additional test report requirements.)*

[Rule 62-297.310(8), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

- A.8. Other Reporting Requirements** - See Appendix RR, Facility-Wide Reporting Requirements, for additional reporting requirements.



**SECTION 1. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection A. Emissions Unit (EU) No. 001 - Raw Material Quarrying, Crushing, and Storage**

- A.9. Crusher Process Rate Records** - In order to document compliance with the crusher process rate limitations of Specific Condition No. A.2., the permittee shall maintain the following records of the monthly crusher processing rate:
- the month of the record;
  - the crusher processing rate (tons dry basis) for each month (tons (dry basis) per month); and
  - the total tons (dry basis) processed through the crusher in the most recent 12 consecutive month period (tons (dry basis) per 12 consecutive month period).

The above reports shall be recorded and available for inspection no later than 10 days following the end of the month.

[Rules 62-4.070(3) and 62-213.440(1)(b), F.A.C.; basis established in Construction Permit 1190042-001-AC (PSD-FL-361)]

**Other Requirements**

- A.10. Federal Rule Requirements** - In addition to the specific conditions listed above, this emissions unit is also subject to the applicable requirements contained in Federal New Source Performance Standard (NSPS) 40 CFR 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants), and Subpart A (General Provisions to 40 CFR 60), which are attached to and made a part of this permit in Appendix NSPS 40 CFR 60 Subpart OOO and Appendix NSPS 40 CFR 60 Subpart A. The applicable requirements are shown below. Some of these requirements have also been included in the Specific Conditions above (*Specific Conditions A.3 and A.4.*).

**NSPS 40 CFR 60 Subpart OOO Applicable Provision References \***

*(Note - Entire section applies unless otherwise noted with specific applicable subsection references shown below the section caption.)*

**40 CFR**

**Section**

- § 60.670 Applicability and designation of affected facility.  
(a), (b), (e) and (f)
- § 60.671 Definitions.
- § 60.672 Standard for particulate matter (PM).  
(a), (b) & (d) through (f)
- § 60.673 Reconstruction.
- § 60.675 Test methods and procedures.  
(a) through (e) & (g)
- § 60.676 Reporting and recordkeeping.  
(f) through (k)

Table 1 to Subpart OOO—Exceptions to Applicability of **Subpart A** to Subpart OOO

SECTION II EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit (EU) No. 001 - Raw Material Quarrying, Crushing, and Storage

A.10 (continued)

Table 3 to Subpart OOO—Fugitive Emission Limits

(\* Subpart OOO Applicability Note - The above applicability references are based upon current operations as reflected in the initial Title V permit renewal application dated August 9, 2010 and subsequent request for additional information response letter dated January 4, 2011. The equipment/operations in this EU **are subject to NSPS Subpart OOO as units constructed on or before April 28, 2008.** Any change in operations or modification of equipment may change the applicable provisions.)

[Rules Rule 62-204.800(8) and 62-213.440, F.A.C.; NSPS 40 CFR 60 Subpart OOO; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection B. Emissions Unit (EU) No. 002 - Raw Materials Conveying, Storage, and Processing**

The specific conditions in this section apply to the following emissions unit (EU):

EU ID No.	Brief Description
002	Raw Materials Conveying, Storage, and Processing

This emissions unit consists of raw material and additive storage to preheater (includes conveyance of raw materials and raw meal to and from raw mill, and homogenizing silo. Equipment will include one homogenizing silo (nominal 10,000 ton capacity), and the associated transport system.

The following emissions points (EP) in the raw materials conveying, storage, and processing system are controlled by fabric filter baghouses\*:

Baghouse /EP ID	Emissions Point (EP) Description	Baghouse Description
F-10	Raw meal transfer at air lift to homogenizing silo	CAMCORP Model 4TR8x16 baghouse with design exhaust air flow rate of 1,000 acfm
G-07	Raw meal transfer to homogenizing silo	CAMCORP Model 15TR12x225 baghouse with design exhaust air flow rate of 22,000 acfm
G-10	Homogenizing silo bin vent	CAMCORP Model 7TR12x49 baghouse with design exhaust air flow rate of 3,000 acfm
E-38	Filter dust surge bin	CAMCORP Model 8TR12x64 baghouse with design exhaust air flow rate of 6,000 acfm
H-08	Raw meal transfer from homogenizing silo	CAMCORP Model 4TR8x16 baghouse with design exhaust air flow rate of 1,000 acfm

(\* *Baghouse/EP Note* - The construction permit for this facility (1190042-001-AC (PSD-FL-361)) also included Baghouse/EP ID F-03 (Dust collector for raw meal transfer from raw grinding mill) which was not constructed and is not included in this operation permit.)

***IMPORTANT Permitting Note*** - See also ***Subsections I and J*** of this permit for Applicable Standards and Regulations, Notes, and Specific Conditions common to this and other emissions units.

**Control Technology**

**B.1. Baghouse Controls** - Each emissions point (EP) identified above for the raw material conveying, storage and processing operations shall be controlled by a baghouse system. Each required baghouse shall be designed, operated, and maintained to achieve a PM design specification of 0.01 grains/dscf and a PM<sub>10</sub> design specification of 0.007 grains/dscf.

[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

(\* *CAM Applicability Permitting Note* - The baghouses associated with this emissions unit (see table above), are not subject to the requirements of 40 CFR 64 (Compliance Assurance Monitoring (CAM) because there are no applicable particulate matter emission limitations for this emissions unit.)

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection B. Emissions Unit (EU) No. 002 - Raw Materials Conveying, Storage, and Processing**

**Emission Limitations and Standards**

*(Permitting Note - The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

Unless otherwise specified, the averaging time for Specific Condition B.2. is based on the specified averaging time of the applicable test method.

**B.2. Visible Emissions (VE) Limitations - Visible emissions (VE) shall not exceed the following limits.**

- a. Visible emissions are limited to 5% opacity from each of the emissions points (EP) shown in the EP table above and controlled by a baghouse\*.
- b. Visible emissions are limited to 10% opacity from any other emissions point associated with this emissions unit and not controlled by a baghouse.

*(\* Permitting Note - The baghouses are designed to control PM emissions to 0.01 grains/dry standard cubic foot (gr/dscf) and PM<sub>10</sub> emissions to 0.007 gr/dscf. The 5% opacity limitation is consistent with this design and provides reasonable assurance that annual emissions of PM/PM<sub>10</sub> for all emission points in this emission unit system will be less than 10.5 TPY. Exceedance of the 5% opacity limit shall be deemed an exceedance of this permit condition and not necessarily an exceedance of the 10% opacity VE limitations given in NSPS 40 CFR 60 Subpart F or NESHAP 40 CFR 63 Subpart LLL. [Construction Permit 1190042-001-AC (PSD-FL-361)]*

[Rules 62-204.800(8) and (11), and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; NSPS Subpart F 40 CFR 60.62(c); NESHAP Subpart LLL 40 CFR 63.1345; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Monitoring of Operations**

**B.3. Periodic Monitoring Requirements - Each affected emissions point (EP) subject to an opacity standard shall be periodically monitored using the procedures described in 40 CFR 63.1350(f) to ensure compliance with the requirements of Specific Condition Nos. B.1. and B.2.**

[Rules 62-4.070(3) and 62-204.800(11), F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f); Construction Permit 1190042-001-AC (PSD-FL-361)]

**Compliance Test Methods and Procedures**

*(Permitting Note - The attached Table 2, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

**B.4. Test Methods - Required compliance tests or periodic monitoring shall be performed in accordance with the following reference methods:**

<b>Method</b>	<b>Description of Method and Comments</b>
9	Visual Determination of the Opacity of Emissions from Stationary Sources (for VE opacity compliance tests)
22	Visual Determination of Fugitive Emissions From Material Sources (for opacity periodic monitoring)

**SECTION 1 EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection B. Emissions Unit (EU) No. 002 - Raw Materials Conveying, Storage, and Processing**

**B.4. (continued)**

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

[Rules 62-297.401, and 62-204.800(11) F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f)(1); Construction Permit 1190042-001-AC (PSD-FL-361)]

**B.5. Annual Visible Emissions (VE) Compliance Tests Required – In order to demonstrate compliance with the visible emission standards of Specific Condition No. B.2.a., the baghouse exhaust vents for the mission points (EP) shown in the EP table above shall each be tested for visible emissions during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>).**

[Rule 62-297.310(7), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION II EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

The specific conditions in this section apply to the following emissions unit:

EU No.	Brief Description
003	Pyroprocessing System (includes kiln, preheater/calcliner, raw mill, air heater, and clinker cooler)

The Pyroprocessing System includes the kiln, preheater/calcliner (PH/C), raw mill, air heater, and clinker cooler. It consists of a dry process preheater/calcliner rotary kiln with in-line raw mill that simultaneously dries raw materials using the exhaust gas from the kiln, preheater/calcliner, or clinker cooler. The preheater includes a staged combustion calciner. The indirect-fired kiln, designed to process approximately 208 tons per hour of dry preheater feed material (including baghouse dust recirculation), is equipped with a low-NO<sub>x</sub> main kiln burner. The calciner burners and main kiln burner are capable of burning pulverized coal (primary fuel), petroleum coke, natural gas, on-specification used oil, and No. 2 fuel oil. A kiln tire feed mechanism with an airlock/gate system is capable of feeding tire derived fuel (TDF) into the area just prior to the kiln exhaust. Other equipment includes an air heater (with a design maximum heat input rate of 36 MMBtu per hour) for use when additional material drying capacity is required, and a clinker cooler with reciprocating grates, cooling air fans, and hot air ducting to the kiln, preheater/calcliner, or in-line raw mill. The air heater is capable of firing natural gas, No. 2 or No. 4 fuel oil, and on-specification used oil.

All emissions from the pyroprocessing system are directed to a single 12.8 diameter main exhaust stack with a stack height of 349 feet.

**Emission Controls**

Particulate Matter (PM/PM<sub>10</sub>) Emission Controls -

PM/PM<sub>10</sub> emissions from the pyroprocessing system are controlled by the following fabric filter main baghouse.

Baghouse/ EP ID	Emissions Point (EP) Description	Baghouse Description
E-19 <i>(Main Baghouse)</i>	Pyroprocessing System (Preheater/calcliner, kiln, clinker cooler, raw mill, air heater)	high temperature Main Baghouse with design exhaust air flow rate of 409,650 acfm exhausting out the 349 foot tall Main Stack

Nitrogen Oxides (NO<sub>x</sub>) Controls

- Low-NO<sub>x</sub> Burners and Indirect Firing - The main kiln is equipped with a low NO<sub>x</sub> burner that creates distinct combustion zones within the flame. An indirect firing system is used to reduce the amount of primary air injected with the fuel used in the main kiln burner.
- Staged Combustion in the Calciner (SCC) - The preheater/calcliner (PH/C) system is designed such that the introduction of fuel, air and meal to the calciner are staged or sequenced for the reduction of NO<sub>x</sub> emissions.
- SNCR in the Calciner - A selective non-catalytic reduction (SNCR) system is operated to achieve the permitted levels for NO<sub>x</sub> emissions from the pyroprocessing system. The SNCR system consists of an aqueous ammonia tank, pumps, piping, compressed air delivery, injectors, control system, and other ancillary equipment. Aqueous ammonia is injected at a location(s) in the calciner with an appropriate temperature profile to support the SNCR process.

## SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

### Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System

#### Sulfur Dioxide (SO<sub>2</sub>) Emission Controls

The use of low-sulfur raw materials will help to keep SO<sub>2</sub> emissions from the pyroprocessing system below permitted levels, as will scrubbing by finely divided lime in the calciner and the natural scrubbing action of the limestone raw material in the kiln.

#### Applicable Standards and Regulations Notes

Rule 62-296.407, Portland Cement Plants, F.A.C. - This rule applies to the kiln and clinker cooler as "New Emission Units". The kiln and the clinker cooler are part of the pyroprocessing system, and the particulate matter (PM/PM<sub>10</sub>) emission limits in this permit for the pyroprocessing system are as stringent or more stringent than the particulate matter limits in this rule.

PSD BACT Determinations - A determination of the Best Available Control Technology (BACT) was made for particulate matter (PM/PM<sub>10</sub>), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>) and volatile organic compounds (VOC) for this emissions unit.

[Rule 62-212.400 (Prevention of Significant Deterioration (PSD)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

Federal NESHAP Requirements - These emission units are subject to 40 CFR 63 Subpart A (General Provisions) and 40 CFR 63 Subpart LLL (National Emissions Standard for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry), as amended in the September 9, 2010 Federal Register (09/09/10 FR) and effective on November 8, 2010, as "existing" sources\*. However, Subpart LLL 63.1351(b) (09/09/10 FR) states that "The compliance date for existing sources with the PM, mercury, THC, and HCl emissions limits in §63.1343(b) which became effective on November 8, 2010 will be September 9, 2013." That means that the permittee does not have to show compliance with the Subpart LLL (09/09/10 FR) emission limits (and the associated compliance, monitoring, recordkeeping and reporting requirements) for these pollutants until September 9, 2013. Until that time any emission limitations, and associated requirements, for these pollutants from the previous version of Subpart LLL (Subpart LLL as amended in the December 20, 2006 Federal Register (12/20/06 FR)) are still applicable. As the previous version of Subpart LLL did not include any emission limitations for hydrochloric acid (HCl), this only affects three pollutants, particulate matter (PM), total hydrocarbons (THC) and mercury (Hg). In Subpart LLL (09/09/10 FR), the THC limit was increased for both new and existing kilns so this limit is included in this permit. The limits for PM and Hg were revised, so this permit includes two sets of Subpart LLL requirements for these pollutants, one set that is applicable from the effective date of this permit until September 8, 2013, and another that is applicable from September 9, 2013 and after. In the initial construction permit for this facility the Department determined that the BACT emissions performance requirements of this permit were as stringent as or more stringent than the limits imposed by the applicable provisions of 40 CFR 63 Subpart LLL as promulgated at that time (Initial Construction Permit 1190042-001-AC (PSD-FL-361) was issued Final on February 13, 2006). Some separate reporting and monitoring may be required by the individual subpart.

[Rule 62-204.800(11), F.A.C.; NESHAP 40 CFR 63 Subpart LLL (12/20/06 FR and 09/09/10 FR); Construction Permit 1190042-001-AC (PSD-FL-361)]

(\* NESHAP Subpart LLL Applicability Note - Construction of the components of this Portland cement manufacturing plant was commenced on or before July 9, 2007, which is before the May 6, 2009 trigger date contained in Subpart LLL (09/09/10 FR) for the applicability of some requirements for "new" sources. This facility is thus considered an "existing" source for the purposes of the applicability this subpart's requirements. In accordance with 40 CFR 63.1351(b) some requirements of Subpart LLL (09/09/10 FR) have a final compliance date of September 9, 2013. )

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

Federal New Source Performance Standards (NSPS) Requirements - This emissions unit are subject to 40 CFR 60 Subpart A (General Provisions) and 40 CFR 60 Subpart F (Standards of Performance for Portland Cement PLANTS)\*. The Department determined that the BACT emissions performance requirements of this permit are as stringent as or more stringent than the imposed by the applicable NSPS provisions. Some separate reporting and monitoring may be required by the individual subpart.

[Rule 62-204.800(8), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* NSPS Subpart F Applicability Note - Construction of the components of this Portland cement manufacturing plant was commenced on or before July 9, 2007, which is before the June 16, 2008 trigger date contained in Subpart F for the applicability of some requirements.)*

**IMPORTANT Permitting Note** - See also **Subsections I and J** of this permit for *Applicable Standards and Regulations, Notes, and Specific Conditions common to this and other emissions units.*

**SPECIFIC CONDITIONS –**

**Essential Potential to Emit (PTE) Parameters**

**C.1. Hours of Operation** - This emissions unit is permitted to operate continuously (i.e., 8,760 hours per year). [Rule 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**C.2. Process Rate Limitations** - The clinker production rate of the kiln shall not exceed 125 tons per hour (24-hour rolling average) and 1,095,000 tons during any consecutive 12 month period. Kiln preheater feed rate shall be monitored and recorded for purposes of determining clinker production. The clinker production rate shall be determined using kiln feed and kiln feed loss on ignition (LOI) factors. The feed rates and kiln feed LOI shall be based on a 30 operating-day block average of daily measurements. For purposes of this requirement, an operating day is any day that the kiln produces clinker or burns fuel. *(See Recordkeeping and Reporting Requirements specific conditions for recordkeeping requirements associated with these process rate limitations.)*

[Rules 62-4.070(3), and Rule 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(Permitting Note - For emissions unit operating rate limitation after testing, see the related testing provisions in Appendix TR, Facility-wide Testing Requirements. [Rule 62-297.310(2), F.A.C.]*

**C.3. Authorized Fuels for Pyroprocessing System Kiln and Calciner** - Only the following authorized fuels shall be fired in the pyroprocessing system kiln and calciner:

- a. coal;
- b. petroleum coke;
- c. whole or chipped tires;
- d. natural gas,;
- e. No. 2 fuel oil; and/or
- f. on-specification used fuel oil.

[Rules 62-4.070(3) and 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]



SECTION 1 EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System

C.4. Authorized Fuels for Pyroprocessing System Air Heater - The air heater shall fire only the following fuels:

- a. natural gas;
- b. on-specification used oil; or
- c. No. 2 or No. 4 fuel oil.

[Rules 62-4.070(3) and 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361), as amended by Construction Permit 1190042-003-AC (PSD-FL-361B)]

C.5. Prohibited Fuels and Materials - The owner or operator shall **not** introduce into any part of the process any of the following fuels and materials:

- a. hazardous wastes;
- b. petroleum contaminated soil or materials;
- c. off-specification used oil;
- d. solid fuels other than those allowed by this permit; or
- e. solid wastes, other than tires as allowed by this permit.

[Rules 62-4.070(3), and 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

C.6. Maximum Heat Input Rate to Pyroprocessing System - Kiln and Calciner - The maximum total heat input rate to the pyroprocessing system kiln and calciner (combined) shall not exceed 9,600 MMBtu per day (based on a nominal rate of 400 MMBtu/hr).

[Rules 62-4.070(3) and 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

C.7. Tire Derived Fuel (TDF) Usage Limitations and Requirements - The use of whole or chipped tire derived fuel (TDF) in the pyroprocessing system is limited by the following requirements.

- a. The maximum heat input rate from firing TDF shall not exceed 15% of the total pyroprocessing system kiln and calciner heat input rate (the remaining 85% of the total pyroprocessing heat input rate shall be from the firing of other authorized fuels); and
- b. shall not exceed 60 MMBtu per hour.
- c. TDF shall be directly fed into the kiln system at the transition section between the base of the calciner and the point where gases exit the kiln. The tire feed mechanism shall be designed with an airlock/gate system.
- d. Tires shall be stored, handled and managed in accordance with the provisions of Chapter 62-711, F.A.C.

*( See Recordkeeping and Reporting Requirements specific conditions for recordkeeping requirements associated with the limitations of a. and b. above.)*

[Rules 62-4.070(3) and 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

SECTION II EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System

- C.8. On Specification Used Oil Fuel Usage Limitations - The firing of “on-specification” used oil fuel shall not exceed the following:
- 1,000 gallons per hour (kiln and calciner combined); and
  - 1,500,000 gallons during any consecutive 12 month period (kiln, calciner and raw mill air heater combined).

*(See Recordkeeping and Reporting specific conditions for recordkeeping requirements associated with the limitations of a. and b. above.)*

[Rules 62-4.070(3) and 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361), as amended by Construction Permit 1190042-003-AC (PSD-FL-361B)]

- C.9. On Specification Used Oil Fuel Requirements - “On-Specification” used oil fuel shall meet the following specifications:
- Arsenic shall not exceed 5.0 ppm;
  - Cadmium shall not exceed 2.0 ppm;
  - Chromium shall not exceed 10.0 ppm;
  - Lead shall not exceed 100.0 ppm;
  - Total halogens shall not exceed 1000 ppm; and
  - Flash point shall not be less than 100° F.

Used oil fired as a fuel may be generated from on site sources or purchased from a vendor. Used oil shall not contain any PCB's.

[Rule 62-4.070(3), F.A.C.; 40 CFR 279.61; 40 CFR 761.20(e); Construction Permit 1190042-001-AC (PSD-FL-361)]

- C.10. Cement Kiln Dust Handling Requirements - Cement kiln dust (CKD) shall be re-circulated in the process and shall not be directly discharged from process or emission control equipment. Cement kiln dust removed from process equipment during maintenance and repair shall be confined and controlled at all times and shall be managed in accordance with the applicable provisions of 40 CFR 261.
- [Rules 62-4.070(3), and 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

- C.11. Emissions Unit Operating Rate Limitation After Testing - See the related testing provisions in Appendix TR, Facility-wide Testing Requirements.
- [Rule 62-297.310(2), F.A.C.]

**Emission Limitations and Standards**

- C.12. Emissions Standards - Emissions from the pyroprocessing system (including the air heater) main stack shall not exceed the following emissions standards shown in the following table. Unless otherwise noted, emission limitations apply during all periods of operation (including startup, shutdown and malfunction).

*(See next page for emission limitations table.)*

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

C.12. (continued)

Pollutant	Emission Limit	Averaging Time	Compliance Method	Basis
Carbon Monoxide (CO)	2.9 lb/ton of clinker	30-day rolling	CEMS	BACT
	362.5 lb/hr			
Nitrogen Oxides (NO <sub>x</sub> )	1.95 lb/ton of clinker	30-day rolling	CEMS	BACT
	243.8 lb/hr			
Sulfur Dioxide (SO <sub>2</sub> )	0.20 lb/ton of clinker	24-hr rolling	CEMS	BACT
	25.0 lb/hr			
Volatile Organic Compounds (VOC) <sup>a</sup>	0.12 lb/ton of clinker	30-day block	CEMS	BACT
	15.0 lb/hr			
Total Hydrocarbons (THC)	24 ppmvd <sup>d</sup> (as propane) @7% O <sub>2</sub> * (*no O <sub>2</sub> correction during startup & shutdown)	30-day rolling (7-day rolling for startup & shutdown)	CEMS	NESHAP Subpart LLL (09/09/10 FR)
Particulate Matter (PM/PM <sub>10</sub> ) <sup>b</sup>	0.153 lb/ton of clinker	Three 1-hr runs (CEMS 3 hour average on and after 09/09/13)	3-Run Stack Test (PM CEMS on and after 09/09/13)	BACT
	19.13 lb/hr			
	10 % opacity	6-minute block	COMS	BACT
	0.30 lb/ton kiln feed (dry basis) (effective until 09/08/13 <sup>c</sup> )	Three 1-hr runs	3-Run Stack Test	NESHAP Subpart LLL (12/20/06 FR) <sup>e</sup>
	Normal operation: 0.04 lb/ton clinker	30-day rolling	PM CEMS	NESHAP Subpart LLL (09/09/10 FR) <sup>f</sup>
	Startup and Shutdown: 0.004 gr/dscf	7-day rolling		
Dioxins/Furans (D/F) <sup>c</sup>	0.20 ng/dscm (TEQ) @ 7% O <sub>2</sub>	Three 3-hr runs	3-Run Test & Temperature Monitor	NESHAP Subpart LLL <sup>e</sup>
	0.40 ng/dscm (TEQ) @ 7% O <sub>2</sub>			
Mercury (Hg)	122 lb/12-month period	12-month rolling	CEMS	Avoid PSD
	41 ug/dscm	Three 1-hr runs (30-day rolling)	3-run Stack test (or CEMS)	NESHAP Subpart LLL (12/20/06 FR) <sup>e</sup>
	Normal operation: 55 lb/MM tons clinker	30-day rolling	CEMS	NESHAP Subpart LLL (09/09/10 FR) <sup>f</sup>
	Startup and Shutdown: 10 ug/dscm	7-day rolling		
Hydrochloric Acid (HCl)	3 ppmvd @ 7% O <sub>2</sub> * (*no O <sub>2</sub> correction during startup & shutdown)	30-day rolling (7-day rolling for startup & shutdown)	CEMS	NESHAP Subpart LLL (09/09/10 FR) <sup>f</sup>

SECTION II EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System

C.12. (continued)

Emission Limitation Table Notes -

- a. Compliance shall be demonstrated by THC CEMS. VOC emissions shall be measured as total hydrocarbons (THC) and expressed as “propane” for the mass emissions rate.
- b. All PM emitted from the baghouse exhaust is assumed to be PM<sub>10</sub>. The BACT standard for PM is equivalent to approximately 0.09 lb per ton of preheater feed material. The emissions limits for particulate matter and visible emissions imposed by Rule 62-212.400 (BACT) are as stringent as or more stringent than the limits imposed by the applicable NESHAP provisions of NESHAP Subpart LLL, as amended in the 12/20/06 Federal Register. (*Subpart LLL Note – The BACT PM/PM10 limits are less stringent than the PM limits in Subpart LLL as amended in the 09/09/10 Federal Register. These more stringent Subpart LLL PM limits have a final compliance date of 09/09/13.*) The BACT requirements do not waive or vary any applicable NESHAP monitoring or record keeping requirements.
- c. Dioxin/furans shall not exceed 0.20 ng/dscm (TEQ) @ 7% oxygen when the average of the performance test run temperatures at the inlet to the particulate matter control device is 204° C (400° F) or more and shall not exceed 0.40 ng/dscm (TEQ) @ 7% oxygen when the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204° C (400° F) or less. (*Subpart LLL Note - The D/F limits are the same in Subpart LLL as amended in the 12/20/06 and 09/09/10 Federal Registers.*)
- d. Construction permit 1190042-001-AC (PSD-FL-161) referenced the THC limit as 50 ppmvd with NESHAP Subpart LLL as the reference. In accordance with Subpart LLL 63.1343(c)(4), as amended in the 12/20/06 Federal Register, the THC limit should have been 20 ppmvd since the pyroprocessing system did not commence construction until 2007. Subpart LLL, as amended in the 09/09/10 Federal Register, in 63.1343, Table 1, revised the THC limit for new and existing kilns to 24 ppmvd. This is the applicable limit and is the one shown in this permit. (*Note - The initial performance stack test conducted on 03/31/10 showed THC emissions of 6.2 ppmvd.*)
- e. This limitation from NESHAP 40 CFR 63 Subpart LLL, as amended in the 12/20/06 Federal Register is effective until 09/08/2013 (40 CFR 63.1351(b)), or until compliance is demonstrated with the applicable Subpart LLL, as amended in the 09/09/10 Federal Register, limitation, whichever occurs first.
- f. Compliance with this limitation from NESHAP 40 CFR 63 Subpart LLL, as amended in the 09/09/10 Federal Register, must be demonstrated no later than 09/09/13 (40 CFR 63.1351(b)).

***(Annual Potential to Emit (PTE) Permitting Note - In combination with the annual clinker production limitation of 1,095,000 tons per year, the above BACT emissions standards effectively limit annual potential emissions from this unit to: 1,588 tons/year of CO; 1,068 tons/year of NO<sub>x</sub> (after year one); 83.8 tons/year of PM/PM<sub>10</sub> (PMPM<sub>10</sub> potential emissions will be 21.9 TPY with new Subpart LLL(09/09/10 FR) limit which has final compliance date of 09/09/13); 110 tons/year of SO<sub>2</sub>; and 66 tons/year of VOC.)***

[Rules 62-4.070(3), 62-204.800(11), 62-210.200 (Definition of Potential to Emit), 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; NESHAP 40 CFR 63 Subpart LLL (as amended in the 12/20/06 FR, and the 09/09/10 FR); as partially established in Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

**Control Technology**

- C.13. Baghouse PM/PM10 Emissions Control Device** - The pyroprocessing system main baghouse emissions control system (EP/Baghouse ID E-19) shall be operated and maintained to remove particulate matter emissions from the pyroprocessing exhaust gas stream to achieve the PM/PM<sub>10</sub> emissions standards specified in this permit.

[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(CAM Applicability Permitting Note - The pyroprocessing system Main Baghouse (Baghouse/EP ID E-19), is subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR 64 at the time of issuance of this permit (see Specific Condition No. C.24.)*

- C.14. SNCR System** - A selective non-catalytic reduction (SNCR) system shall be operated to achieve the permitted levels for NO<sub>x</sub> emissions from the pyroprocessing system. The SNCR system will consist of an aqueous ammonia tank, pumps, piping, compressed air delivery, injectors, control system, and other ancillary equipment. Aqueous ammonia will be injected at a location(s) in the preheater/calcliner with an appropriate temperature profile to support the SNCR process.

[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Excess Emissions**

*(Permitting Note - The following conditions apply only to the SIP-based BACT emissions standards specified in Condition No. C.12. of this section. Rule 62-210-700, F.A.C. (Excess Emissions) cannot vary or supersede any federal provision of the NSPS or the NESHAP programs.)*

- C.15. Operating Procedures** - The Best Available Control Technology (BACT) determinations established by this permit rely on "good operating practices" to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and maintain the kiln and calciner, and pollution control systems in accordance with the guidelines and procedures established by each manufacturer. The training shall include good operating practices as well as methods for minimizing excess emissions.

[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

- C.16. Definitions** -

- a. *Startup* is defined as the commencement of operation of any emissions unit which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which result in excess emissions.
- b. *Shutdown* means the cessation of the operation of an emissions unit for any purpose.
- c. *Malfunction* means any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner.

[Rule 62-210.200(159, 230, and 245), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

## SECTION II EMISSIONS UNITS AND SPECIFIC CONDITIONS.

### Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System

- C.17. Excess Emissions Prohibited** - Excess emissions caused entirely or in part by poor maintenance, poor operation or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. All such preventable emissions shall be included in any compliance determinations based on CEMS data.  
[Rule 62-210.700(4), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]
- C.18. Allowable Data Exclusions** - Continuous monitoring data collected during periods of startup, shutdown, and malfunction may be excluded from the compliance demonstrations only in accordance with the following requirements, provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions are minimized. As provided by the authority in Rule 62-210.700(5), F.A.C., the following conditions replace the provisions in Rule 62-210.700(1), F.A.C.
- CO Data:* Each 30-day rolling average shall include all periods of operation (including startup, shutdown, and malfunction), but may exclude limited periods due to equipment malfunctions. No more than 30 hours in any calendar month shall be excluded from the compliance determinations due to equipment malfunctions. Malfunctions do not include process upsets that occur as a normal part of cement production.
  - NO<sub>x</sub> Data:* Each 30-day rolling average shall include all periods of operation (including startup, shutdown, and malfunction), but may exclude limited periods due to malfunctions of the SNCR system. "Malfunctions of the SNCR system" are defined as any unavoidable mechanical and/or electrical failure that prevents introduction of ammonia-based solutions into the kiln system. No more than 30 hours in any calendar month shall be excluded from the compliance determinations due to malfunctions of the SNCR system.
  - SO<sub>2</sub> Data:* Each 24-hour rolling average shall include all periods of operation (including startup, shutdown, and malfunction).
  - Other Data:* All valid opacity and VOC data shall be included in the compliance determination. If the mercury CEMS is used as the method for demonstrating compliance, all valid data shall be included in the compliance determination.

The permittee shall notify the Compliance Authority within one working day of discovering any emissions in excess of a CEMS standard subject to the specified averaging period. Within one working day of occurrence, the owner or operator shall notify the Compliance Authority of any malfunction resulting in the exclusion of CEMS data. All such reasonably preventable emissions shall be included in any CEMS compliance determinations. All valid emissions data (including data collected during startup, shutdown and malfunction) shall be used to report emissions for the Annual Operating Report.

[Rules 62-210.200, 62-212.400 (Best Available Control Technology (BACT)), and 62-210.700, F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

- C.19. Malfunction Notifications** - If temporarily unable to comply with any condition of the permit due to breakdown of equipment (malfunction) or destruction by hazard of fire, wind or by other cause, the permittee shall immediately (within one working day) notify the Compliance Authority. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules. If requested by the Compliance Authority, the owner or operator shall submit a quarterly written report describing the malfunction.

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

[Rules 62-210.700(6) and 62-4.130, F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Monitoring of Operations**

- C.20.** Baghouse Temperature Monitor - A continuous temperature monitor shall be calibrated, operated, and maintained at the inlet to the baghouse for the kiln system exhaust in accordance with the D/F monitoring requirements of NESHAP Subpart LLL 40 CFR 63.1350(g).  
[Rule 62-204.800(11), F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350; Construction Permit 1190042-001-AC (PSD-FL-361)]
- C.21.** Aqueous Ammonia Injection - A monitoring system to continuously monitor and record the aqueous ammonia injection rate of the SNCR system (1-hour block averages) shall be calibrated, operated, and maintained in accordance with the manufacturer's recommendations.  
[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]
- C.22.** Continuous Flow Rate Monitoring - In accordance with to the requirements NESHAP Subpart LLL 40 CFR 63.1350(n) (as amended in the 09/09/10 Federal Register), the permittee shall operate, calibrate, and maintain instruments, for continuously measuring and recording the pollutant per mass flow rate to the atmosphere from sources subject to an emissions limitation that has a pounds per ton of clinker unit (i.e., the pyroprocessing system). The flow monitor shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 6.  
[Rule 62-204.800(11), F.A.C.; NESHAP 40 CFR 63 Subpart LLL, as amended in the 09/09/10 FR); established in Construction Permit 1190042-001-AC (PSD-FL-361)]
- C.23.** Clinker Production Monitoring Requirements - In accordance with NESHAP Subpart LLL 40 CFR 63 (as amended in the 09/09/10 Federal Register), when the pyroprocessing system becomes subject to Subpart LLL 63.1343 (Table 1) lbs/ton emissions limitations on PM and Hg (i.e., no later than the 63.1351(b) compliance date of 09/09/13), the permittee must determine hourly clinker production in accordance with one of the methods of 63.1350(d).  
[Rule 62-204.800(11), F.A.C.; NESHAP 40 CFR 63 Subpart LLL, as amended in the 09/09/10 FR)]
- C.24.** CAM Plan for Pyroprocessing System Main Baghouse (Emission Point/Baghouse ID E-19) - The Main Baghouse dust collector emission control device for this emissions unit (Baghouse/EP ID is E-19) is subject to the Compliance Assurance Monitoring (CAM) requirements contained in the attached Appendix CAM. Failure to adhere to the monitoring requirements specified does not necessarily indicate an exceedance of a specific emissions limitation; however, it may constitute good reason to require compliance testing pursuant to Rule 62-297.310(7)(b), F.A.C.  
[Rules 62-204.800(12) and 62-213.440(1)(b)l.a., F.A.C.; 40 CFR 64 (Compliance Assurance Monitoring)]

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Continuous Emissions Monitoring Requirements

**C.25. Required Continuous Emission Monitoring Systems (CEMS)** - The permittee shall calibrate, operate and maintain continuous emissions monitoring systems (CEMS) to measure and record concentrations of the following pollutants in the pyroprocessing system main exhaust stack (Baghouse/EP ID E-19) in a manner sufficient to demonstrate continuous compliance with the emissions standards specified in this subsection for the pyroprocessing system.

- a. carbon monoxide (CO);
- b. nitrogen oxides (NO<sub>x</sub>);
- c. sulfur dioxide (SO<sub>2</sub>);
- d. mercury (Hg), and
- e. volatile organic compounds/total hydrocarbons (VOC/THC)\*.

\* In addition a continuous oxygen (O<sub>2</sub>) diluent monitor shall be calibrated, operated and maintained at the THC monitor location to correct measured THC emissions to the required oxygen concentration.

[Rules 62-4.070(3), 62-210.800(11), 62-212.400 (Best Available Control Technology (BACT)), and 62-297.520, F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; NESHAP 40 CFR 63 Subpart LLL; Construction Permit 1190042-001-AC (PSD-FL-361)]

**C.26. Required Continuous Opacity Monitoring System (COMS)** - A continuous opacity monitoring system (COMS) shall be calibrated, operated, and maintained in the pyroprocessing system main exhaust stack, after the main baghouse (Baghouse/EP ID E-19), in a manner sufficient to demonstrate continuous compliance with the opacity standard of Specific Condition No. C.12. Opacity shall be based on a 6-minute block average computed from at least one observation (measurement) every 15 seconds. For the COMS, the 6-minute block averages shall begin at the top of each hour. The COMS shall meet the applicable requirements of NESHAP Subpart LLL 40 CFR 63.1350, as amended in the 12/20/06 Federal Register.

[Rules 62-210.800(11), and 62-212.400 (Best Available Control Technology (BACT)); Appendix BD - Final BACT Determination and Emission Standards; NESHAP Subpart LLL 40 CFR 63.1350 (12/20/06 FR); Construction Permit 1190042-001-AC (PSD-FL-361)]

*(COMS Requirement Permitting Note - NESHAP 40 CFR 63 Subpart LLL, as amended in the 09/09/10 Federal Register, establishes new requirements for PM which have a final compliance date of 09/09/13. These new requirements require a PM CEMS, but remove the visible emissions opacity limitation and also remove the continuous opacity monitoring systems (COMS) requirements. However, even after the above Subpart LLL amendments final compliance date, the opacity limitation and COMS requirements remain in effect because they were established as part of the PSD construction permit PM BACT determination.)*

**C.27. Additional NESHAP 40 CFR 63 Subpart LLL CEMS Required No Later Than 09/09/13** - In accordance with the requirements of NESHAP Subpart LLL (as amended in the 09/09/10 Federal Register), 40 CFR 63.1350(b) & (i), and 63.1351(b), by no later than 09/09/13, continuous emissions monitoring system (CEMS) for particulate matter (PM) and hydrochloric acid (HCl) shall be installed, certified, calibrated, and operated and maintained to demonstrate continuous compliance with the PM and HCl emissions standards specified in Subpart LLL 40 CFR 63.1343, Table 1, and this permit.

[Rule 62-210.800(11), F.A.C.; NESHAP Subpart LLL (09/09/10 FR) 40 CFR 63.1350 and 63.1351]



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**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

**C.28. CEMS Certification Requirements -**

- a. CO CEMS - The carbon monoxide continuous emissions monitoring system (CO CEMS) shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F. The required RATA tests shall be performed using EPA Method 10 in Appendix A of 40 CFR 60 and shall be based on a continuous sampling train. The CO CEMS span values shall be set appropriately, considering the expected range of emissions and corresponding emission standards.
- b. NO<sub>x</sub> CEMS - The nitrogen oxides continuous emissions monitoring system (NO<sub>x</sub> CEMS) shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 2. Quality assurance procedures shall conform to the requirements of in 40 CFR 60, Appendix F. The required RATA tests shall be performed using EPA Method 7E in Appendix A of 40 CFR 60. The NO<sub>x</sub> CEMS span values shall be set appropriately, considering the expected range of emissions and corresponding emission standards.
- c. SO<sub>2</sub> CEMS - The SO<sub>2</sub> monitor shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 2. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F. The required RATA tests shall be performed using EPA Method 6C in Appendix A of 40 CFR 60. The SO<sub>2</sub> monitor span values shall be set appropriately, considering the expected range of emissions and corresponding emission standards.
- d. THC CEMS - The total hydrocarbon continuous emissions monitoring system (THC CEMS) (which is also used for volatile organic compounds (VOC) as VOC is measured as total hydrocarbons) shall meet the requirements of NESHAP Subpart LLL in 40 CFR 63 (40 CFR 63.1349 and 63.1350). The THC monitor shall include provisions to determine the moisture content of the exhaust gas and an algorithm to enable correction of the monitoring results to a dry basis (0% moisture).
- e. Hg CEMS - The mercury continuous emissions monitoring system (Hg-CEMS) shall meet the requirements in Performance Specification 12A (PS-12A), "Specifications and Test Procedures for Total Vapor phase Mercury Continuous Monitoring Systems in Stationary Sources," or has passed verification tests conducted under the auspices of the U.S. Environmental Protection Agency's (EPA) Environmental Technology Verification (ETV) Program. The owner or operator shall adhere to the calibration drift and quarterly accuracy assessment procedures in 40 CFR Part 60, Appendix F or 40 CFR Part 75, Appendix B.
- f. PM CEMS (when required) - The PM CEMS (required by NESHAP Subpart LLL (09/09/10 FR) 40 CFR 63.1351(b) to be in operation no later than 09/09/13) shall meet the requirements of Subpart LLL (09/09/10 FR) 63.1350(b). It shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 11. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F, Procedure 2. The required RATA tests shall be performed using EPA Method 5 or 5i in Appendix A of 40 CFR 60. The monitor span values shall be set appropriately, considering the expected range of emissions and corresponding emission standards.
- g. HCl CEMS (when required) - The HCl CEMS (required by NESHAP Subpart LLL (09/09/10 FR) 40 CFR 63.1351(b) to be in operation no later than 09/09/13) shall meet the requirements of Subpart LLL (09/09/10 FR) 63.1350(1). It shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 15. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F, Procedure 1 except that the RATA requirements of Procedure 1 must be replaced with the validation requirements and criteria of sections 11.1.1 and 12.0 of Performance Specification 15. The monitor span values shall be set appropriately, considering the expected range of emissions and corresponding emission standards.

SECTION II EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System

C.28. (continued)

CEMS, other than the Hg-CEMS, are also subject to the General Provisions specified in Subpart A of 40 CFR 60 (CO, NO<sub>x</sub>, and SO<sub>2</sub>) and Subpart A of 40 CFR 63 (THC/VOC, PM, HCl).

[Rules 62-4.070(3), 62-204.800(8) & (11); 62-210.800, 62-212.400 (Best Available Control Technology (BACT)), and 62-297.520, F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; 40 CFR 60 Appendix B and F; NESHAP Subpart LLL (09/09/10 FR) 40 CFR 63.1350; as partially established in Construction Permit 1190042-001-AC (PSD-FL-361)]

C.29. PM and HCl CEMS Installation, Certification (and Initial Compliance Demonstration) - In accordance with NESHAP Subpart LLL (09/09/10 FR) 40 CFR 63.1351(b), PM and HCl continuous monitoring systems (CEMS) shall be installed, in operation, and certified no later than 09/09/13. Upon certification of each CEMS, the owner or operator shall demonstrate compliance with the PM and HCl standards of Subpart LLL (09/09/10 FR) 40 CFR 63.1343, Table 1 in accordance with 63.1349(b)(1) & (6) and 63.1348(a)(1) & (6).

[Rules 62-4.070(3), 62-210.800(8) & (11), and 62-297.520, F.A.C.; 40 CFR 50 Appendix B; 40 CFR 63.7(a)(2); NESHAP 40 CFR 63 Subpart LLL (09/09/10 FR); Construction Permit 1190042-001-AC (PSD-FL-361)]

C.30. CEMS Data Requirements - The CEMS shall be calibrated, maintained, and operated in the in-line kiln/raw mill stack to measure and record the emissions of CO, NO<sub>x</sub>, SO<sub>2</sub>, and THC/VOC in a manner sufficient to demonstrate compliance with the emission limits of this permit. The CEMS shall express the results in units of pounds per ton of clinker produced, and pounds per hour. Emissions of VOC shall be reported in units of the standards (lb/hr, lb/ton of clinker) and ppmvd as propane corrected to 7% oxygen.

- a. Valid Hourly Averages - Each CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over the hour at a minimum of one measurement per minute. All valid measurements collected during an hour shall be used to calculate a 1-hour block average that begins at the top of each hour. Each 1-hour block average shall be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel (or produced clinker) during that quadrant of an hour. Notwithstanding this requirement, a 1-hour average shall be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour). If less than two such data points are available, there is insufficient data and the 1-hour block average is not valid.
  - Hours during which there is no kiln feed and no fuel fired are not valid hours.
  - Hours during which the plant is firing fuel but producing no clinker are valid, but these hours are excluded from the production-normalized emission rate computation (pounds per ton of clinker). These hours are included in any pollutant mass emission rate computation (pounds per hour).
- b. 24-hour Rolling Averages (SO<sub>2</sub>) - Compliance with the emission limit for SO<sub>2</sub> shall be based on a 24-hour rolling average that shall be recomputed after every valid hour as the arithmetic average of that hourly average and the preceding 23 valid hourly averages.
- c. 30-day Rolling Averages (CO, THC and NO<sub>x</sub>) (also PM and HCL when required) - Compliance with the emission limits for CO, THC and NO<sub>x</sub> shall be based on a 30-day rolling average. Each 30-day rolling average shall be the arithmetic average of all valid hourly averages collected during the last 30 operating days. A new 30-day rolling average shall be recomputed after every day of operation for the new day and the preceding 29 operating days. For purposes of

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**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

- C.30.** c. *(continued)*
- computing these emission limits, an operating day is any day that the kiln produces clinker or fires fuel.
- d. 7-day Rolling Average (PM/PM<sub>10</sub>, THC, Hg, and HCl during periods of startup and shutdown) - Compliance with the emission limits for PM/PM<sub>10</sub>, THC, Hg, and HCl during periods of startup and shutdown shall be based on a 7-day rolling average. For 7-day rolling averages, operating days include only days of operation during startup and shutdown and do not include periods of normal operation. Each 7-day rolling average shall be the arithmetic average of all valid hourly averages collected during startups or shutdowns during the last 7 operating days which included a startup or shutdown. A new 7-day rolling average shall be recomputed after every day of operation which included a startup and shutdown, for the new day and the preceding 6 operating days which included a startup or shutdown.
- e. 30-day Block Average (VOC) - Compliance with the emission limits for VOC and THC shall be based on a 30-day block average. Each 30-day block average shall be the arithmetic average of all valid hourly averages occurring within each 30 operating-day block.
- f. Data Exclusion - Except for monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, each CEMS shall monitor and record emissions during all operations including episodes of startups, shutdowns, and malfunctions. Limited amounts of CEMS emissions data recorded during some of these episodes may be excluded from the corresponding compliance demonstration subject to the provisions of Condition No. C.18 in this section. The permittee shall minimize the duration of data excluded for such episodes to the extent practicable.
- g. Availability - Monitor availability for each CEMS shall be 95% or greater in any calendar quarter. Monitor availability shall be reported in the quarterly excess emissions report. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit, except as otherwise authorized by the Compliance Authority.
- h. Public Access - Emission data shall be available in real time on the company website.

[Rule 62-4.070(3), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Compliance Testing/Demonstration Requirements**

- C.31.** Continuous Compliance - Continuous compliance with the permit standards for opacity and emissions of CO, NO<sub>x</sub>, SO<sub>2</sub>, Hg and VOC/THC shall be demonstrated with data collected from the required continuous emissions monitoring systems (CEMS/COMS). As required by NESHAP 40 CFR 63 Subpart LLL as amended in the 09/09/10 Federal Register, on and after 09/09/13, continuous compliance with the PM, Hg and HCl standards of 63.1343 shall be demonstrated using data collected from PM, Hg and HCl continuous emissions monitoring systems (CEMS) in accordance with 63.1348(b), and 63.1350(b), (k) and (l).

[Rules 62-201.800(11), 62-212.400(5)(c) and 62-297.310(7)(a) and (b), F.A.C.; Subpart A 40 CFR 60.8; NESHAP Subpart LLL (09/09/13 FR) 40 CFR 63.1348 and 63.1350]

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**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

- C.32. Annual PM, CO, NO<sub>x</sub>, and SO<sub>2</sub> Compliance Testing** - Annual compliance stack tests for particulate matter (PM), CO, NO<sub>x</sub>, and SO<sub>2</sub>, shall be conducted during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>). Data collected from the reference method during the required RATA tests for CO, NO<sub>x</sub>, and SO<sub>2</sub> (and PM after the PM CEMS is installed) may be used to satisfy the annual testing requirement provided the notification requirements and emission testing requirements for performance and compliance tests of this permit are satisfied.  
[Rules 62-297.310(7)(a) and (b), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]
- C.33. D/F Compliance Testing** - Dioxins/furans (D/F) tests shall be conducted in accordance with the provisions of NESHAP Subpart LLL (as amended in the 09/09/10 Federal Register) 40 CFR 63.1348(a)(3) and 63.1349(b)(3). Frequency of testing shall be in accordance with the requirements of Subpart LLL 40 CFR 63.1348(c) and 63.1349(c) (i.e., every 30 months, or upon making a change in operations that may adversely affect compliance with the standard - *see Specific Condition below*).  
[Rules 62-297.310(7)(a) and (b), F.A.C.; NSPS Subpart A 40 CFR 60.8; NESHAP Subpart LLL 40 CFR 63.1349(b) (09/09/10 FR); as established in Construction Permit 1190042-001-AC (PSD-FL-361)]
- C.34. Supplemental Dioxin/Furan and PM/PM<sub>10</sub> Compliance Tests** - The owner or operator shall notify the Compliance Authority prior to initiating any significant change in the feed or fuel used in the most recent compliant performance test for dioxin/furan or PM/PM<sub>10</sub>. For purposes of this condition, significant means any of the following: a physical or chemical change in the feed or fuel; the use of a raw material not previously used; a change in the LOI of the coal ash outside the normal range of monitored parameters; a change between non-beneficiated coal ash and beneficiated coal ash. Based on the information provided, the Compliance Authority will promptly determine if performance testing pursuant to 40 CFR 63.1349 will be required for the new feed or fuel. A significant change shall not include switching to a feed/fuel mix for which the permittee already tested in compliance with the dioxin/furan and PM/PM<sub>10</sub> emission limits.  
[Rule 62-4.070(3), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]
- C.35. Initial NESHAP 40 CFR 63 Subpart LLL (09/09/10) Performance Testing for PM and HCl** - The permittee shall demonstrate initial compliance with the particulate matter (PM), mercury (Hg), and hydrochloric acid (HCl) limitations of NESHAP Subpart LLL 40 CFR 63.1343, Table 1 (as amended in the 09/09/10 Federal Register) by the 09/09/13 final compliance date established in 40 CFR 63.1351(b). Initial performance testing for PM, Hg, and HCl shall be conducted in accordance with Subpart LLL (09/09/10 FR) 40 CFR 63.1348(a)(1), (5), & (6), and 63.1349(b)(1), (5), & (6).  
[Rule 62-204.800(11), F.A.C.; NESHAP 40 CFR 63 Subpart LLL (09/09/10 FR)]
- C.36. Compliance Testing Requirements** - Any required annual compliance tests shall be conducted between 90% and 100% of permitted capacity in accordance with the requirements of Rule 62-297.310(2), F.A.C. Tests shall be conducted for each required pollutant under the fuel scenario representing the highest potential for generating emissions. In general, this fuel scenario is firing coal as the primary fuel and TDF and petroleum coke, as secondary fuels. If a secondary fuel listed above is not available at the time of testing, tests shall be based on the fuels that are available. If a secondary fuel is added later, additional tests shall be conducted with that fuel scenario within 60 days of first fire of the new secondary fuel.  
[Rules 62-204.800(8) & (11) and 62-297.310(7)(a) and (b), F.A.C.; NSPS Subpart A 40 CFR 60.8; NESHAP Subpart A 40 CFR 63.7; Construction Permit 1190042-001-AC (PSD-FL-361)]

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**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

**C.37. Compliance Test Methods** - Any required compliance stack tests shall be performed in accordance with the following test methods.

<b>EPA Method</b>	<b>Description of Method and Comments</b>
1 - 4	Determination of Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content. Methods shall be performed as necessary to support other methods.
5	Determination of Particulate Emissions. The minimum sample volume shall be 30 dry standard cubic feet.
6C	Determination of SO <sub>2</sub> Emissions (Instrumental).
7E	Determination of NO <sub>x</sub> Emissions (Instrumental). NO <sub>x</sub> emissions testing shall be conducted with the air heater operating at the highest heat input possible during the test.
9	Visual Determination of Opacity
10	Measurement of Carbon Monoxide Emissions (Instrumental). The method shall be based on a continuous sampling train.
23	Measurement of Dioxin/Furan Emissions
25A	Measurement of Gaseous Organic Concentrations (Flame Ionization – Instrumental)
29 (or ASTM D6784-02)	Determination of Metals Emission from Stationary Sources (Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury Gas Generated from Coal-Fired Stationary Sources)

The methods are specified in Appendix A of 40 CFR 60, adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. Tests shall be conducted in accordance with the appropriate test method and the applicable requirements specified in Appendix C of this permit, NSPS Subpart A in 40 CFR 60, and NESHAP Subparts A and LLL in 40 CFR 63.

[Rules 62-204.800(8) & (11), and 62-297.401, F.A.C.; 40 CFR 60 Appendix A; 40 CFR 63 Subparts A and LLL]

**Recordkeeping and Reporting Requirements**

**C.38. Fuel Analysis Records** - For each fuel delivery the owner or operator shall maintain records of the quantity of fuel delivered and a representative analysis of the fuel including the sulfur content, higher and lower heating value, proximate analysis, and ultimate analyses.

[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

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**C.39.** Used Oil Records - For each shipment of used oil received, the owner or operator shall maintain records from the vendor certifying that the used oil meets the above requirements for "on-specification" used oil fuel. Records shall include the following parameters: arsenic, cadmium, chromium, lead, total halogens, flash point, PCBs, sulfur content, coal ash, and heating value. Otherwise, the owner or operator shall sample and analyze each shipment of used oil received for the above parameters. If vendor certifications are relied upon, the owner or operator shall analyze at least one sample obtained each calendar year for the above parameters. If analytical results show that the used oil does not meet the above requirements, the owner or operator shall immediately: cease burning of the used oil, and notify the Compliance Authority of the analytical results. The analysis shall be performed via EPA-approved or ASTM methods. The permittee shall obtain, make, and keep the following records:

- a. gallons of on-specification used oil received and burned each month;
- b. name and address of all vendors delivering used oil to the facility;
- c. copies of the vendor certifications, if obtained, and any supporting information; and
- d. analytical results showing required parameters.

The records shall be retained in a form suitable for inspection at the facility by the Department, and shall be retained permanently.

[40 CFR 279.61, 40 CFR 761.20(e), and Rule 62-4.070(3), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**C.40.** Operational Records – In order to demonstrate compliance with the limitations specified in Specific Condition Nos. C.2. through C.7., and C.14., the owner or operator shall maintain the following operational records on site.

For each 1-hour block of operation, continuously monitor and record the following:

- a. dry preheater feed rate (tons/hour);
- b. clinker production rate (tons/hour);
- c. fuel sources in use and fuel firing rate(s) for each fuel;
- d. heat input rate (based on the representative heating value and the hourly fuel firing rate of each fuel); and
- e. SNCR system  $\text{NH}_3/\text{NO}_x$  molar ratio or ammonia injection rate.

Records shall also document the following for each 24-hour rolling period and consecutive 12 month period:

- f. dry preheater feed rate (tons/24 hours and tons/12 consecutive months); and
- g. clinker production rates (tons/24 hours and tons/12 consecutive months).

[Rule 62-4.070(3), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION I EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System**

**C.41. On-Specification Used Oil Usage Records** - In order to demonstrate compliance with the usage limitations specified in Specific Condition No. C.8., the permittee shall keep the following records of on-specification used oil usage in the pyroprocessing system.

Daily records shall consist of:

- a. gallons of on-specification (*see Specific Condition No. C.9. for definition*) used oil used each day in the pyroprocessing system (gallons/day);
- b. amount of time each day that any pyroprocessing equipment was in operation firing on-specification used oil (hours/day); and
- c. daily average gallons/hour on-specification used oil firing rate, based on a. and b. above (a/b).

Monthly records shall consist of:

- d. total pyroprocessing system on-specification used oil usage for the month (gallons/month);
- e. total pyroprocessing system on-specification used oil usage for the most recent 12-consecutive month period (gallons/12-consecutive months).

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

**C.42. Tire Derived Fuel (TDF) Heat Input Rate Records** - In order to demonstrate compliance with the whole or chipped tire derived fuel (TDF) heat input rate limitations specified in Specific Condition No. C.7., the permittee shall keep the following hourly records of pyroprocessing system TDF heat input rate.

- a. the total pyroprocessing system TDF heat input rate (TDF MMBtu/hour);
- b. the total pyroprocessing system heat input rate from all fuels (Total MMBtu/hour);
- c. the % of the total pyroprocessing rate heat input rate provided by TDF, based on a. and b. above (a/b x 100)

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

**C.43. Annual Mercury (Hg) BACT Emission Limitation Compliance Demonstration** -

- a. Material Balance Demonstration - If not using the mercury (Hg) CEMS to demonstrate compliance with the Annual Hg BACT emission limitation (*see b. below*), the owner or operator shall demonstrate compliance with the Hg throughput limitation by material balance and maintaining records of the monthly and rolling 12-month mercury throughput. Samples of the raw mill feed and all fuels shall be collected each day. A single composite daily sample shall be made from all samples collected during a day. A monthly composite sample shall be made from each of the daily composite samples. Each monthly composite sample shall be analyzed to determine the mercury concentration of the materials representative for the month. The analytical methods used to determine mercury concentration shall be EPA or ASTM methods such as EPA Method 7471A (Mercury in Solid or Semisolid Waste). No other methods may be used unless prior written approval is received from the Department. For each raw material and fuel, the monthly mercury throughput rate (pounds per month) shall be the product of the mercury concentration from the monthly composite sample and the mass of raw material or fuel used during the month. If the mercury concentration is below detection limit or below the limits of quantification, the detection limit will be assumed for the concentration of the raw material or fuel. For each month, the mass of mercury introduced into the pyroprocessing system (pounds per month) shall be the sum of the monthly mercury throughput rate for each raw material and

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C.43.a. (continued)

fuel. The consecutive 12-month mercury throughput rate shall be the sum of the individual monthly records for the current month and the preceding eleven months (pounds of mercury per consecutive 12-months). Such records, including calculations and data, shall be completed no later than 25 days following the month of the records.

[Rules 62-4.070(3) and 62-212.400(2)(g), F.A.C.; as established in Construction Permit 1190042-001-AC (PSD-FL-361)]

- b. Use of Mercury Continuous Emissions Monitoring System (Hg CEMS) - The permittee may use the Hg-CEMS to demonstrate compliance with the BACT cumulative 12-month rolling Hg mass emission limitation (122 pounds per rolling 12-month period) in lieu of the procedures described in the preceding paragraph.

[Rules 62-4.070(3) and 62-212.400(2)(g), F.A.C.; established in Construction Permit 1190042-001-AC (PSD-FL-361)]

- C.44. SIP Quarterly Report - Within 30 days following the end of each calendar quarter, the permittee shall submit a report to the Compliance Authority summarizing: equipment malfunctions resulting in excluded CEMS data and/or excess emissions; mercury throughput rates (based on material balance) or Hg emissions (based on Hg CEMS) (*see Specific Condition above*); and the monitor availability of each CEMS. The report shall contain the information and follow the general format specified in Appendix F of this permit.

[Rules 62-4.070(3), 62-4.130, and 62-212.400(BACT), F.A.C.; established in Construction Permit 1190042-001-AC (PSD-FL-361)]

**Other Requirements**

- C.45. Additional Federal NESHAP Requirements - In addition to the applicable requirements of NESHAP 40 CFR Subpart LLL, as amended in the 09/09/10 Federal Register (09/09/10 FR), referenced in this Emission Unit Subsection and in Specific Subsection J. (Common Condition), Specific Condition No. J2., this emissions unit is also subject to certain requirements of NESHAP 40 CFR 63 Subpart LLL as amended in the 12/20/06 Federal Register (12/20/06 FR) until the final compliance date of 09/09/13 (*see 63.1351(b) of Subpart LLL (09/09/10 FR)*) for the revised requirements of the Subpart LLL 09/09/10 FR amendments. These applicable Subpart LLL (12/20/06 FR) requirements, which relate to emission limitations for PM and Hg and associated compliance, monitoring and reporting requirements, are shown below. NESHAP 40 CFR 63 Subpart LLL as amended in the 12/20/06 Federal Register is attached to and made as a part of this permit as Appendix NESHAP 40 CFR 63 Subpart LLL (12-20-06 FR).

**NESHAP 40 CFR 63 Subpart LLL (12/20/2006 FR) Applicable Provision References \***

*(Note - Entire section applies unless otherwise noted with specific applicable subsection references shown below the section caption.)*

**40 CFR  
Section**

**General**

§ 63.1340 Applicability and designation of affected sources.

§ 63.1341 Definitions.

*(continued)*



SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection C. Emissions Unit (EU) No. 003 - Pyroprocessing System

C.45. (continued)

Emission Standards and Operating Limits

§ 63.1342 Standards: General.

§ 63.1343 Standards for kilns and in-line kiln/raw mills.  
(a), (c)(1), (c)(2) & (c)(5) (PM and Hg limitations only)

Monitoring and Compliance Provisions

§ 63.1349 Performance testing requirements.  
(c)

§ 63.1350 Monitoring requirements.  
(c)(l), (o), (p)

§ 63.1351 Compliance dates.

§ 63.1352 Additional test methods.

Notification, Reporting and Recordkeeping

§ 63.1354 Reporting requirements.

§ 63.1355 Recordkeeping requirements.

Other

§ 63.1357 Temporary, conditioned exemption from particulate matter and opacity standards.

§ 63.1358 Implementation and enforcement.

*(\* Permitting Note - The above applicability references are based upon current operations as reflected in the initial Title V permit renewal application dated 08/09/10 and subsequent request for additional information response letter dated 01/04/11. Any change in operations may change the applicable provisions. Some of the applicable Subpart LLL (12/20/06 FR) requirements are also included as Specific Conditions or referenced in the emission unit subsections. )*

[Rules 62-204.800(11) and 62-213.440, F.A.C.; NESHAP 40 CFR 63 Subpart LLL (12/20/06 FR); Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION II EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection D. Emissions Unit (EU) No. 004 - Clinker and Additives Storage and Handling**

The specific conditions in this section apply to the following emissions unit (EU):

EU ID No.	Brief Description
004	Clinker and Additives Storage and Handling

This emissions unit consists of clinker handling from clinker cooler to clinker silo discharge, and clinker and additive (limestone, gypsum and other materials) handling from storage to the finish mill.

The following emissions points (EP) in the raw materials conveying, storage, and processing are controlled by fabric filter baghouses.

Baghouse /EP ID	Emissions Point (EP) Description	Baghouse Description
L-03	Clinker Cooler Discharge	CAMCORP Model 15TR12x30 baghouse with design exhaust air flow rate of 3,000 acfm
L-06	Clinker Transfer to Clinker Silo #1	CAMCORP Model 8TR12x64 baghouse with design exhaust air flow rate of 6,500 acfm
M-08	Clinker Transfer to Clinker Silo #2	CAMCORP Model 6TR12x42 baghouse with design exhaust air flow rate of 4,000 acfm
DC-1	Clinker Transfer from Clinker Silo #1	four filter baghouse with design exhaust air flow rate of 353 acfm
DC-2	Clinker Transfer from Clinker Silo # 2	four filter baghouse with design exhaust air flow rate of 353 acfm

**IMPORTANT Permitting Note** - See also **Subsections I and J** of this permit for Applicable Standards and Regulations, Notes, and Specific Conditions common to this and other emissions units.

**Control Technology**

**D.1. Baghouse Controls** - Each emissions point (EP) identified above for the clinker and additives storage and handling operations shall be controlled by a baghouse system. Each required baghouse shall be designed, operated, and maintained to achieve a PM design specification of 0.01 grains/dscf and a PM<sub>10</sub> design specification of 0.007 grains/dscf.

[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

(\* *CAM Applicability Permitting Note* - The baghouses associated with this emissions unit (see table above), are not subject to the requirements of 40 CFR 64 (Compliance Assurance Monitoring (CAM) because there are no applicable particulate matter emission limitations for this emissions unit.)

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection D. Emissions Unit (EU) No. 004 - Clinker and Additives Storage and Handling**

**Emission Limitations and Standards**

*(Permitting Note - The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

Unless otherwise specified, the averaging time for Specific Condition D.2. is based on the specified averaging time of the applicable test method.

**D.2. Visible Emissions (VE) Limitations - Visible emissions shall not exceed the following limits.**

- a. Visible emissions are limited to 5% opacity from each of the emissions points (EP) shown in the EP table above and controlled by a baghouse\*.
- b. Visible emissions are limited to 10% opacity from any other emissions point associated with this emissions unit and not controlled by a baghouse.

*(\* Permitting Note - The baghouses are designed to control PM emissions to 0.01 grains/dry standard cubic foot (gr/dscf) and PM<sub>10</sub> emissions to 0.007 gr/dscf. The 5% opacity limitation is consistent with this design and provides reasonable assurance that annual emissions of PM/PM<sub>10</sub> for all emission points in this emission unit system will be less than 4 TPY. Exceedance of the 5% opacity limit shall be deemed an exceedance of this permit condition and not necessarily an exceedance of the 10% opacity VE limitations given in NSPS 40 CFR 60 Subpart F or NESHAP 40 CFR 63 Subpart LLL. [Construction Permit 1190042-001-AC (PSD-FL-361)])*

[Rules 62-204.800(8) and (11), and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD – Final BACT Determination and Emission Standards; NSPS Subpart F 40 CFR 60.62(c); NESHAP Subpart LLL 40 CFR 63.1345; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Monitoring of Operations**

**D.3. Periodic Monitoring Requirements - Each affected emissions point (EP) subject to an opacity standard shall be periodically monitored using the procedures described in 40 CFR 63.1350(f) to ensure compliance with the requirements of Specific Condition Nos. D.1. and D.2.**

[Rules 62-4.070(3) and 62-204.800(11), F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f); Construction Permit 1190042-001-AC (PSD-FL-361)]

**Compliance Test Methods and Procedures**

*(Permitting Note - The attached Table 2, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

**D.4. Test Methods - Required compliance tests or periodic monitoring shall be performed in accordance with the following reference methods:**

Method	Description of Method and Comments
9	Visual Determination of the Opacity of Emissions from Stationary Sources (for VE opacity compliance tests)
22	Visual Determination of Fugitive Emissions From Material Sources (for opacity periodic monitoring)

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection D. Emissions Unit (EU) No. 004 - Clinker and Additives Storage and Handling**

**D.4. (continued)**

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

[Rules 62-297.401, and 62-204.800(11) F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f)(1); Construction Permit 1190042-001-AC (PSD-FL-361)]

**D.5. Annual Visible Emissions (VE) Compliance Tests Required - The baghouse exhaust vents for the emission points (EP) shown in the EP table above shall each be tested to demonstrate compliance with the visible emissions standard of Specific Condition No. D.2.a. during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>).**

[Rule 62-297.310(7), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION I EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection E. Emissions Unit (EU) No. 005 – Finish Mill**

The specific conditions in this section apply to the following emissions unit:

EU ID No.	Brief Description
005	Finish Mill (Cement Grinding)

This emissions unit consists of a cement finish (grinding) mill in a closed circuit with a high efficiency air separator and cyclones capable of processing approximately 159 tons per hour of cement. Other equipment includes associated enclosed conveyors, bucket elevators, and belts.

The following emissions points (EP) in the finish mill/cement grinding process are controlled by fabric filter baghouses.

Baghouse/ EP ID	Emissions Point (EP) Description	Baghouse Description
N-93	Finish Mill Air Separator	CAMCORP Model 110TR12x1760 baghouse with design exhaust air flow rate of 150,000 acfm
N-94	Finish Mill Sweep (Sepol vent)	CAMCORP Model 29TR12x464 baghouse with design exhaust air flow rate of 40,000 acfm

***IMPORTANT Permitting Note*** - See also ***Subsections I and J*** of this permit for Applicable Standards and Regulations, Notes, and Specific Conditions common to this and other emissions units.

**Control Technology**

**E.1. Baghouse Controls** - Each emissions point (EP) identified above for the finish mill grinding operations shall be controlled by a baghouse system. Each required baghouse shall be designed, operated, and maintained to achieve a PM design specification of 0.01 grains/dscf and a PM<sub>10</sub> design specification of 0.007 grains/dscf. [Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* CAM Applicability Permitting Note - The Finish Mill Separator baghouse (Baghouse/EP ID N-93), while it does have an applicable particulate matter mass emission limitation (see Specific Condition No. E.2.), is not subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR 64 since it is inherent process equipment whose function is to separate fine cement for transfer to the cement silos from coarse cement that goes back into the finish mill for further grinding. The Finish Mill Sweep baghouse (Baghouse/EPID N-94) is not subject to CAM because there is no applicable particulate matter emission limitation.)*

## SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

### Subsection E. Emissions Unit (EU) No. 005 – Finish Mill

#### **Emission Limitations and Standards**

*(Permitting Note - The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

Unless otherwise specified, the averaging time for Specific Condition E.2. is based on the specified averaging time of the applicable test method.

- E.2. Particulate Matter (PM/PM<sub>10</sub>) Standard for Finish Mill Air Separator (EP ID N-93)** - Particulate matter (PM/PM<sub>10</sub>) emissions from the finish mill air separator baghouse (Emission Point (EP) ID N-93) shall not exceed 0.007 grains per dscf of exhaust as determined by EPA method 5. All PM emitted from the baghouse exhaust is assumed to be PM<sub>10</sub>. The BACT requirements do not waive or vary any applicable NESHAP monitoring or record keeping requirements  
[Rules 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD – Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(Permitting Note - This emissions point accounts for almost 25% (34.9 TPY) of the facility's total PM emissions. [Construction Permit 1190042-001-AC (PSD-FL-361)])*

- E.3. Visible Emissions (VE) Limitation for Finish Mill Air Separator (Baghouse/EP ID N-93)** - Visible emissions from the finish mill air separator baghouse (EP ID N-93) are limited to 5% opacity.  
[Rule 62-212.400(BACT), F.A.C.; Appendix BD – Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]
- E.4. Visible Emissions (VE) Limitation for Finish Mill Sweep (Baghouse/EP ID N-94)** - Visible emissions from the finish mill sweep baghouse (EP ID N-94) are limited to 5% opacity.

*(Permitting Note - The applicant advised that the baghouse is designed to control PM emissions to 0.01 grains/dry standard cubic foot (gr/dscf) and PM<sub>10</sub> emissions to 0.007 gr/dscf. The 5% opacity limitation is consistent with this design and provides reasonable assurance that annual emissions of PM/PM<sub>10</sub> for this emission point in this emission unit system will be less than 5.8 TPY. Exceedance of the 5% opacity limit shall be deemed an exceedance of this permit condition and not necessarily an exceedance of the 10% opacity VE limitations given in NSPS 40 CFR 60 Subpart F or NESHAP 40 CFR 63 Subpart LLL. [Construction Permit 1190042-001-AC (PSD-FL-361)])*

[Rules 62-204.800(8) and (11), and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; NSPS Subpart F 40 CFR 60.62(c); NESHAP Subpart LLL 40 CFR 63.1343; Construction Permit 1190042-001-AC (PSD-FL-361)]

#### **Monitoring of Operations**

- E.5. Periodic Monitoring Requirements** - Each affected emissions point (EP) subject to an opacity standard shall be periodically monitored using the procedures described in 40 CFR 63.1350(f) to ensure compliance with the requirements of Specific Condition Nos. E.1., E.3. and E.4.  
[Rules 62-4.070(3) and 62-204.800(11), F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f); Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection E. Emissions Unit (EU) No. 005 – Finish Mill**

**Compliance Test Methods and Procedures**

*(Permitting Note - The attached Table 2, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

**E.6. Test Methods** - Required compliance tests or periodic monitoring shall be performed in accordance with the following reference methods:

<b>Method(s)</b>	<b>Description of Method and Comments</b>
1 - 4	Determination of Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content. Methods shall be performed as necessary to support other methods.
5	Determination of Particulate Emissions. The minimum sample volume shall be 30 dry standard cubic feet.
9	Visual Determination of the Opacity of Emissions from Stationary Sources (for VE opacity compliance tests)
22	Visual Determination of Fugitive Emissions From Material Sources (for opacity periodic monitoring)

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

[Rules 62-297.401, and 62-204.800(11) F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f)(1); Construction Permit 1190042-001-AC (PSD-FL-361)]

**E.7. Annual Visible Emissions (VE) Compliance Tests Required** - The baghouse exhaust vents for the mission points (EP) shown in the EP table above shall each be tested to demonstrate compliance with the visible emissions standards of Specific Condition Nos. E.3. and E.4. during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>).

[Rule 62-297.310(7), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**E.8. PM Compliance Testing for Finish Mill Air Separator Baghouse (EP ID N-93) Prior to Permit Renewal** - The exhaust vent for the finish mill air separator baghouse (EP ID N-93) shall be tested for particulate matter (PM) emissions to demonstrate compliance with the PM emission limitation of Specific Condition No. E.2. The compliance testing shall be conducted prior to renewal of the Title V operation permit during the 365 -270 day period prior to the expiration date of this operation permit.

[Rule 62-297.310(7), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection F. Emissions Unit (EU) No. 006 - Cement Handling, Storage, Packing, and Loadout**

The specific conditions in this section apply to the following emissions unit (EU):

EU ID No.	Brief Description
006	Cement Handling, Storage, Packing, and Loadout

This emission unit includes cement conveyance to silos, cement silos, loadout to trucks from silos, and cement bagging operations. Equipment will include two concrete cement silos with rotary shut-off valves, flow control valve, and airslides. The cement bagging operation includes a screen, surge hopper, bucket elevator and packer. Operation is estimated to be nominally 500 tons per hour of cement to truck loadout and/or bagging operation.

The following emissions points (EP) in the cement handling, storage, packing, and loadout systems are controlled by fabric filter baghouses.

Baghouse/EP ID	Emissions Point (EP) Description	Baghouse Description
N-91	Cement Transfer from Finish Mill	CAMCORP Model 9TR12x81 baghouse with design exhaust air flow rate of 8,000 acfm
Q-25	Cement Silos #1, 2, 3, and 5	CAMCORP Model 11TR12x121 baghouse with design exhaust air flow rate of 12,000 acfm
Q-26	Cement Silo #4	CAMCORP Model 11TR12x121 baghouse with design exhaust air flow rate of 12,000 acfm
Q-14	Truck Loadout #1	CAMCORP Model 7TR8x49 baghouse with design exhaust air flow rate of 3,000 acfm
Q-17	Truck Loadout #2	CAMCORP Model 7TR8x49 baghouse with design exhaust air flow rate of 3,000 acfm
R-12A	Packing (Bagging) Plant	CAMCORP Model 11TR12x121 baghouse with design exhaust air flow rate of 12,000 acfm

**IMPORTANT Permitting Note** - See also **Subsections I and J** of this permit for Applicable Standards and Regulations, Notes, and Specific Conditions common to this and other emissions units.

**Control Technology**

**F.1. Baghouse Controls** - Each emissions point (EP) identified above for cement handling, storage, packing and loadout operations shall be controlled by a baghouse system. Each required baghouse shall be designed, operated, and maintained to achieve a PM design specification of 0.01 grains/dscf and a PM<sub>10</sub> design specification of 0.007 gr/dscf.  
 [Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* CAM Applicability Permitting Note - The baghouses associated with this emissions unit (see table above), are not subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR 64 requirements of 40 CFR 64 because there are no applicable particulate matter emission limitations for this emissions unit.)*



**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection F. Emissions Unit (EU) No. 006 - Cement Handling, Storage, Packing, and Loadout**

**Emission Limitations and Standards**

*(Permitting Note - The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

Unless otherwise specified, the averaging time for Specific Condition F.2. is based on the specified averaging time of the applicable test method.

**F.2. Visible Emissions (VE) Limitations - Visible emissions shall not exceed the following limits.**

- a. Visible emissions are limited to 5% opacity from each of the emissions points (EP) shown in the EP table above controlled by a baghouse\*.
- b. Visible emissions are limited to 10% opacity from any other emissions point associated with this emissions unit and not controlled by a baghouse.

*(\* Permitting Note - The baghouses are designed to control PM emissions to 0.01 grains/dry standard cubic foot (gr/dscf) and PM<sub>10</sub> emissions to 0.007 gr/dscf. The 5% opacity limitation is consistent with this design and provides reasonable assurance that annual emissions of PM/PM<sub>10</sub> for all emission points in this emission unit system will be less than 15.1 TPY. Exceedance of the 5% opacity limit shall be deemed an exceedance of this permit condition and not necessarily an exceedance of the 10% opacity VE limitations given in 40 CFR 60 Subpart F or 40 CFR 63, Subpart LLL. [Construction Permit 1190042-001-AC (PSD-FL-361)])*

[Rules 62-204.800(8) & (11), and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD – Final BACT Determination and Emission Standards; NSPS Subpart F 40 CFR 60.62(c); NESHAP Subpart LLL 40 CFR 63.1343N; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Monitoring of Operations**

**F.3. Periodic Monitoring Requirements - Each affected emissions point subject to an opacity standard shall be periodically monitored using the procedures described in 40 CFR 63.1350(f) to ensure compliance with the requirements of Specific Condition Nos. F.1. and F.2.**

[Rules 62-4.070(3) and 62-204.800(11), F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f); Construction Permit 1190042-001-AC (PSD-FL-361)]

**Compliance Test Methods and Procedures**

*(Permitting Note - The attached Table 2, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

**F.4. Test Methods - Required compliance tests or periodic monitoring shall be performed in accordance with the following reference methods:**

<b>Method</b>	<b>Description of Method and Comments</b>
9	Visual Determination of the Opacity of Emissions from Stationary Sources (for VE opacity compliance tests)
22	Visual Determination of Fugitive Emissions From Material Sources (for opacity periodic monitoring)

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection F. Emissions Unit (EU) No. 006 - Cement Handling, Storage, Packing, and Loadout**

**F.4. (continued)**

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

[Rules 62-297.401, and 62-204.800(11) F.A.C.; NESHAP Subpart LLL 40 CFR 63.1350(f)(1); Construction Permit 1190042-001-AC (PSD-FL-361)]

**F.5. Annual Visible Emissions (VE) Compliance Tests Required - The baghouse exhaust vents for the mission points (EP) shown in the EP table above shall each be tested to demonstrate compliance with the visible emissions standard of Specific Condition No. F.2.a. during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>).**

[Rule 62-297.310(7), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection G. Emissions Unit (EU) No. 007 - Coal and Petroleum Coke Grinding System**

The specific conditions in this section apply to the following emissions unit (EU):

EU ID No.	Brief Description
007	Coal and Petroleum Coke Grinding System

The coal and petroleum coke grinding system includes coal/petroleum coke handling from railcar unloading to the pulverized fuel bin. Equipment will include a coal/petroleum coke grinding mill with thermal dryer, storage bins, and associated conveyor systems. Clinker cooler gas will be used for drying.

The following emissions points (EP) in the coal and petroleum coke grinding system are controlled by fabric filter baghouses (one of which also acts as a material separator).

Baghouse/ EP ID	Emissions Point (EP) Description	Baghouse Description
S-22	Coal/Petroleum Coke Mill (including Thermal Dryer)	two (2) CAMCORP Model 12PRW233 baghouse separators, each with design exhaust air flow rate of 17,500 acfm (combined common exhaust stack )
S-26	Coal/Petroleum Coke Bin	CAMCORP Model 8PRT19 baghouse with design exhaust air flow rate of 800 acfm

**Applicable Standards and Regulations Notes**

PSD BACT Determinations - A determination of the Best Available Control Technology (BACT) was made for particulate matter (PM/PM<sub>10</sub>). To satisfy some of the BACT requirements for this emission unit the visible emissions limits act as surrogate standards for PM.

[Rule 62-212.400 (Prevention of Significant Deterioration (PSD)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards Construction Permit 1190042-001-AC (PSD-FL-361)]

Federal New Source Performance Standards (NSPS) Requirements - This emissions unit is subject to 40 CFR 60, Subpart A (General Provisions) and 40 CFR 60, Subpart Y (Standards of Performance for Coal Preparation Plants)\* (see *Specific Condition No. G.10.*). The Department determines that the BACT emissions performance requirements are as stringent as or more stringent than the limits imposed by the applicable NSPS provisions. Some separate reporting and monitoring may be required by the individual subpart.

[Rule 62-204.800(8), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* Subpart Y Applicability Note Construction of the various components of this emission unit were commenced on or before December 3, 2007, which is before the April 28, 2008 and May 27, 2009 trigger dates contained in Subpart Y for the applicability of some requirements.)*

**IMPORTANT Permitting Note** - See also **Subsection I** of this permit for Specific Conditions common to this and other emissions units.

## SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

### Subsection G. Emissions Unit (EU) No. 007 - Coal and Petroleum Coke Grinding System

#### Essential Potential to Emit (PTE) Parameters

- G.1. Process Rate Limitation** - The coal/petroleum coke grinding mill may process up to 18.5 tons per hour of coal/petroleum coke. No more than 134,904 tons of coal/petroleum coke shall be processed through the grinding mill during any consecutive 12 month period. *(See Specific Condition No. G.9. for recordkeeping requirements associated with these process rate limitations.)*  
[Rule 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(Permitting Note - For emissions unit operating rate limitation after testing, see the related testing provisions in Appendix TR, Facility-wide Testing Requirements. [Rule 62-297.310(2), F.A.C.]*

#### Control Technology

- G.2. Baghouse Controls** - Each emissions point identified above for the coal and petroleum coke grinding system shall be controlled by a baghouse system. Each required baghouse shall be designed, operated, and maintained to achieve a PM design specification of 0.01 grains/dscf and a PM<sub>10</sub> design specification of 0.007 gr/dscf.  
[Rules 62-4.070(3) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD – Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* CAM Applicability Permitting Note - The Coal/Petroleum Coke Mill baghouse (Baghouse/EP ID S-22), while it does have an applicable particulate matter mass emission limitation (see Specific Condition No. G.4.), is not subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR 64 since it is inherent process equipment whose function is to separate fine coal/pet coke for transfer to the coal silos from coarse coal/pet coke that goes back into the coal mill for further grinding. The Coal/Petroleum Coke Bin baghouse (Baghouse/EP ID S-26) is not subject to CAM because there is no applicable particulate matter emission limitation which applies to this emissions point.)*

#### Emission Limitations and Standards

*(Permitting Note - The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit)*

Unless otherwise specified, the averaging times for Specific Conditions G.3. and G.4. are based on the specified averaging time of the applicable test method.

- G.3. Particulate Matter (PM/PM<sub>10</sub>) Standard** - Particulate matter (PM/PM<sub>10</sub>) emissions from the thermal dryer (Emission Point (EP) ID S-22) shall not exceed 0.007 grains per dscf (gr/dscfm) of exhaust as determined by EPA Method 5.

*(NSPS Subpart Y Note – This BACT determination PM limit is more stringent than the applicable NSPS Subpart Y 40 CFR 60.252(a)(1) PM limit of 0.031 gr/dscfm. Demonstration of compliance with the BACT PM limitation will also be considered as demonstration of compliance with NSPS Subpart Y.)*

[Rules 62-204.800(8), and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD – Final BACT Determination and Emission Standards; NSPS Subpart Y 40 CFR 60.252]

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection G. Emissions Unit (EU) No. 007 - Coal and Petroleum Coke Grinding System**

**G.4. Visible Emissions (VE) Limitations - Visible emissions shall not exceed the following limits.**

- a. Visible emissions from any emissions point (EP) shown in the EP table above and controlled by a baghouse shall not exceed 5% opacity (applies to EP ID S-22 and S-26).
- b. Visible emissions from all coal/petcoke processing and conveying equipment, coal/petcoke storage systems, or coal/petcoke transfer and loading systems not controlled by a baghouse, shall not exceed 10% opacity.

*(NSPS Subpart Y Note – These BACT determination VE opacity limits are more stringent than the applicable NSPS Subpart Y 40 CFR 60.252(a)(2) and 60.254(a) VE limits of 20% opacity. Demonstration of compliance with the BACT VE limitations will also be considered as demonstration of compliance with NSPS Subpart Y.)*

[Rules 62-204.800(8) and 62-212.400 (Best Available Control Technology (BACT)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; NSPS Subpart Y 40 CFR 60.252; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Continuous Monitoring Requirements**

**G.5. Thermal Dryer Exit Temperature - A monitoring device for the continuous measurement of the temperature of the gas stream at the exit of the thermal dryer shall be installed, calibrated, maintained, and continuously operated to measure the temperature of the gas stream in accordance with the requirements of 40 CFR, Subpart Y.**

[Rule 62-204.800(8), F.A.C.; NSPS Subpart Y 40 CFR 60.256(a)]

**Compliance Test Methods and Procedures**

*(Permitting Note - The attached Table 2, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.)*

**G.6. Compliance Test Methods - Required compliance tests shall be performed in accordance with the following reference methods and the applicable NSPS provisions:**

Test Method(s)	Description of Test Method and Comments
1-4	Determination of Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content. Methods shall be performed as necessary to support other methods.
5	Determination of Particulate Matter from Stationary Sources (all PM is assumed to be PM <sub>10</sub> )
9	Visual Determination of the Opacity of Emissions from Stationary Sources

The above test methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

[Rules 62-204.800(8) and 62-297.401, F.A.C.; NSPS Subpart Y 40 CFR 60.257; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection G. Emissions Unit (EU) No. 007 - Coal and Petroleum Coke Grinding System**

- G.7. Annual Visible Emissions (VE) Compliance Tests Required** - The baghouse exhaust vents for Emission point (EP) ID's S-22 and S-26 shall be tested to demonstrate compliance with the visible emissions standard of Specific Condition No. G.4.a. during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>), [Rule 62-297.310(7), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]
- G.8. Particulate Matter (PM) Compliance Tests Prior To Permit Renewal** - To demonstrate compliance with the emission limit in Specific Condition G.3., compliance tests for particulate matter (PM/PM<sub>10</sub>) emissions from Emission Point (EP) ID S-22 shall be performed within the 365 – 270 day period prior to the expiration date of this operation permit. [Rules 62-210.300(2)(a) and 62-297.310(7)(a), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Reporting and Recordkeeping Requirements**

- G.9. Coal/Petroleum Coke Grinding Mill Process Rate Records** - In order to document compliance with the coal/petroleum coke grinding mill process rate limitations of Specific Condition No. G.1., the permittee shall maintain the following records of the monthly grinding mill processing rate:
- a. the month of the record;
  - b. the total quantity of coal and petroleum coke processed through the grinding mill for the month (tons coal/petroleum coke per month);
  - c. the total hours of operation of the grinding mill for the month (hours/month) (operation of the grinding mill is defined as periods of operation when coal or petroleum coke is being processed (ground) by the mill);
  - d. the average grinding mill coal/petroleum coke processing rate (tons/hour) for the month (based on b. and c. above); and
  - e. the total tons of coal and petroleum processed through the grinding mill in the most recent 12 consecutive month period (tons coal/petroleum coke per 12 consecutive month period).

The above reports shall be recorded and available for inspection no later than 10 days following the end of the month.

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

**SECTION 1. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection G. Emissions Unit (EU) No. 007 - Coal and Petroleum Coke Grinding System**

**Other Requirements**

**G.10. Federal Rule Requirements** - In addition to the specific conditions listed above, this emissions unit is also subject to the applicable requirements contained in Federal New Source Performance Standard (NSPS) 40 CFR 60 Subpart Y (Standards of Performance for Coal Preparation Plants), and Subpart A (General Provisions to 40 CFR 60), which are attached to and made a part of this permit in Appendix NSPS 40 CFR 60 Subpart Y and Appendix NSPS 40 CFR 60 Subpart A. The applicable Subpart Y requirements are shown below. Some of these requirements have also been included in the Specific Conditions above (*Specific Conditions G.3 through G.6*).

**NSPS 40 CFR 60 Subpart Y (10-08-09 FR) Applicable Provision References \***

*(Note - Entire section applies unless otherwise noted with specific applicable subsection references shown below the section caption.)*

**40 CFR**

**Section**

§ 60.250 Applicability and designation of affected facility.  
(a) & (b)

§ 60.251 Definitions.

§ 60.252 Standards for thermal dryers.  
(a)

§ 60.254 Standards for coal processing and conveying equipment, coal storage systems, transfer and loading systems, and open storage piles.  
(a)

§ 60.255 Performance tests and other compliance requirements.  
(a)

§ 60.256 Continuous monitoring requirements.  
(a)

§ 60.257 Test methods and procedures.  
(a) & (b)(1) – (b)(5)

§ 60.258 Reporting and recordkeeping.  
(b)(3), (c), & (d)

*(\* Subpart Y Applicability Note - The above applicability references are based upon current operations as reflected in the initial Title V permit renewal application dated August 9, 2010 and subsequent request for additional information response letter dated January 4, 2011. The equipment/operations in this EU are subject to NSPS Subpart Y **as units constructed on or before April 28, 2008**. Any change in operations or modification of equipment may change the applicable provisions.)*

[Rules Rule 62-204.800(8) and 62-213.440, F.A.C.; NSPS 40 CFR 60 Subpart Y; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection H. Emission Unit (EU) No. 008 - Fugitive Dust From Storage Piles and Roads**

The specific conditions in this section apply to the following emissions unit (EU):

EU ID No.	Brief Description
008	Fugitive Dust From Storage Piles, Paved Roads, and Unpaved Roads

**Essential Potential to Emit (PTE) Parameters**

- H.1. Hours of Operation** - The hours of operation for the activities included in this emissions unit are not limited (i.e., permitted for 8,760 hours per year).  
[Rule 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Performance Requirements**

**H.2. Unconfined Emissions of Particulate Matter** -

- a. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity without taking reasonable precautions to prevent such emissions. Such activities include, but are not limited to: vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling.
- b. Reasonable precautions shall include the following:
  - (1) Landscaping and planting of vegetation.
  - (2) Application of water to control fugitive dust from activities such as demolition of buildings, grading roads, construction, and land clearing.
  - (3) Water supply lines, hoses and sprinklers shall be located near all stockpiles of raw materials, coal, and petroleum coke.
  - (4) All plant operators shall be trained in basic environmental compliance and shall perform visual inspections of raw materials, coal and petroleum coke periodically and before handling. If the visual inspections indicate a lack of surface moisture, such materials shall be wetted with sprinklers. Wetting shall continue until the potential for unconfined particulate matter emissions are minimized.
  - (5) Water spray shall be used to wet the materials and fuel if inherent moisture and moisture from wetting the storage piles are not sufficient to prevent unconfined particulate matter emissions.
  - (6) As necessary, applications of asphalt, water, or dust suppressants to unpaved roads, yards, open stockpiles and similar activities.
  - (7) Paving of access roadways, parking areas, manufacture area, and fuel storage yard.
  - (8) Removal of dust from buildings, roads, and other paved areas under the control of the owner or operator of the facility to prevent particulate matter from becoming airborne.
  - (9) A vacuum sweeper shall be used to remove dust from paved roads, parking, and other work areas.

*(continued)*



**SECTION 1. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

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**Subsection H. Emission Unit (EU) No. 008 - Fugitive Dust From Storage Piles and Roads**

**H.2. (continued)**

- (10) Enclosure or covering of conveyor systems where practicably feasible.
  - (11) All materials at the plant shall be stored under roof. Materials, other than quarried materials, shall be stored on compacted clay or concrete, or in enclosed vessels.
  - (12) Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
  - (13) Confining abrasive blasting where possible.
- c. In determining what constitutes reasonable precautions for a particular source, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

[Rules 62-212.400 (Best Available Control Technology (BACT)), and 62-296.320(4)(c), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection I. Common Conditions for Emissions Unit (EU) Nos. 002 through 007**

**Subsection I. The specific conditions in this section apply to the following emissions units:**

<b>EU ID No.</b>	<b>Brief Description</b>
002	Raw Materials Conveying, Storage, and Processing
003	Pyroprocessing System
004	Clinker and Additives Storage and Handling
005	Finish Mill (Cement Grinding)
006	Cement Handling, Storage, Packing, and Loadout
007	Coal and Petroleum Coke Grinding System

**Essential Potential to Emit (PTE) Parameters**

- I.1. Hours of Operation - These emissions units are permitted to operate continuously (i.e., for 8,760 hours per year).  
[Rule 62-210.200 (Definition of Potential to Emit), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]
- I.2. Emissions Unit Operating Rate Limitation After Testing - See the related testing provisions in Appendix TR, Facility-wide Testing Requirements.  
[Rule 62-297.310(2), F.A.C.]

**Compliance Testing Requirements**

- I.3. Common Testing Requirements - Unless otherwise specified, compliance tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit, as well as the applicable NSPS or NESHAP compliance testing provisions.  
[Rules 62-204.800(8) & (11) and 62-297.310, F.A.C.; NSPS 40 CFR 60 Subparts A and F; NESHAP 40 CFR 63 Subparts A and LLL; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Operation and Maintenance (O&M) Plans**

- I.4. Baghouse O&M Plan - For each baghouse the permittee shall prepare and follow an operation and maintenance (O&M) plan to address proper operation, parametric monitoring, and a schedule for conducting periodic inspections and preventive maintenance. Baghouse inspections and maintenance activities shall be recorded in a written log.  
[Rules 62-4.070(3) and 62-204.800(11), F.A.C.; NESHAP Subpart LLL 40 CFR 63.1347; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection I. Common Conditions for Emissions Unit (EU) Nos. 002 through 007**

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**Reporting and Recordkeeping Requirements**

- I.5.** Compliance Test Reports - For each compliance test conducted, the permittee shall file a test report including the information specified in Rule 62-297.310(8), F.A.C. with the compliance authority no later than 45 days after the last run of each test is completed. *(See Condition TR8. in Appendix TR, Facility-Wide Testing Requirements for additional test report requirements.)*  
[Rule 62-297.310(8), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]
- I.6.** Other Reporting Requirements - See Appendix RR, Facility-Wide Reporting Requirements, for additional reporting requirements.

*(Recordkeeping Note - See also Specific Condition No. I.4. for Baghouse O& M Plan recordkeeping requirements.)*

**SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection J. Common Conditions for Emissions Unit (EU) Nos. 002 through 006**

**Subsection J. The notes and specific conditions in this section apply to the following emissions units:**

<b>EU ID No.</b>	<b>Brief Description</b>
002	Raw Materials Conveying, Storage, and Processing
003	Pyroprocessing System
004	Clinker and Additives Storage and Handling
005	Finish Mill (Cement Grinding)
006	Cement Handling, Storage, Packing, and Loadout

**Applicable Standards and Regulations Notes:**

**PSD BACT Determinations** - A determination of the Best Available Control Technology (BACT) was made for particulate matter (PM/PM<sub>10</sub>) for these emissions units. To satisfy some of the BACT requirements for these emission units the visible emissions limits act as surrogate standards for PM.

[Rule 62-212.400 (Prevention of Significant Deterioration (PSD)), F.A.C.; Appendix BD - Final BACT Determination and Emission Standards; Construction Permit 1190042-001-AC (PSD-FL-361)]

**Federal NESHAP Requirements** -These emission units are subject to 40 CFR 63 Subpart A (General Provisions) and 40 CFR 63, Subpart LLL (National Emissions Standard for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry), as amended in the September 9, 2010 Federal Register (09/09/10 FR). [Rule 62-204.800(11), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* NESHAP Subpart LLL Applicability Note - Construction of the components of this Portland cement manufacturing plant was commenced on or before July 9, 2007, which is before the May 6, 2009 trigger date contained in Subpart LLL for the applicability of some requirements for "new" sources. This facility is thus considered an "existing" source for the purposes of the applicability this subpart's requirements.)*

**Federal New Source Performance Standards (NSPS) Requirements** - These emissions units are subject to 40 CFR 60 Subpart A (General Provisions) and 40 CFR 60 Subpart F (Standards of Performance for Portland Cement Plants)\*. The Department determines that the BACT emissions performance requirements of this permit are as stringent as or more stringent than the imposed by the applicable NSPS provisions. Some separate reporting and monitoring may be required by the individual subpart.

[Rule 62-204.800(8), F.A.C.; Construction Permit 1190042-001-AC (PSD-FL-361)]

*(\* NSPS Subpart F Applicability Note - Construction of the components of this Portland cement manufacturing plant was commenced on or before July 9, 2007, which is before the June 16, 2008 trigger date contained in Subpart F for the applicability of some requirements.)*

SECTION 1. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection J. Common Conditions for Emissions Unit (EU) Nos. 002 through 006

Specific Conditions:

**Federal Rule Requirements**

**J.1.** Federal Rule Requirements - In addition to the specific condition included in the applicable individual Emission Unit Subsections, these emissions units are also subject to the applicable requirements contained in Federal New Source Performance Standards (NSPS) 40 CFR 60 Subpart F (Standards of Performance for Portland Cement Plants) as amended in the 09/09/10 Federal Register, and Subpart A (General Provisions for 40 CFR 60), which are attached to and made a part of this permit in Appendix NSPS 40 CFR 60 Subpart F (09-09-10 FR) and Appendix NSPS 40 CFR 60 Subpart A. The Subpart F applicable requirements are shown below.

**NSPS 40 CFR 60 Subpart F (09/09/10 FR) Applicable Provision References \***

*(Note - Entire section applies unless otherwise noted with specific applicable subsection references shown below the section caption.)*

40 CFR

Section

§ 60.60 Applicability and designation of affected facility.

§ 60.61 Definitions.

§ 60.62 Standards.

(a)(1)(i), (a)(2), (b)(1)(i), (b)(2) through (4), (c) & (d)

§ 60.64 Test methods and procedures.

(a), (b) & (d)

§ 60.66 Delegation of authority.

*(\* Permitting Note - The above applicability references are based upon current operations as reflected in the initial Title V permit renewal application dated August 9, 2010 and subsequent request for additional information response letter dated January 4, 2011. The equipment/operations in these EUs are subject to NSPS Subpart F as units constructed on or before April 28, 2008. Any change in operations or modification of equipment may change the applicable provisions.)*

[Rules Rule 62-204.800(8) and 62-213.440, F.A.C.; NSPS 40 CFR 60 Subpart F; Construction Permit 1190042-001-AC (PSD-FL-361)]

**J.2.** Federal NESHAP Requirements - In addition to the specific condition included in the applicable individual Emission Unit Subsections, these emissions units are also subject to the applicable requirements contained in Federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 63 Subpart LLL (National Emissions Standards for Hazardous Air Pollutants Standards of Performance from the Portland Cement Manufacturing Industry), as amended in the 09/09/10 Federal Register, and Subpart A (General Provisions for 40 CFR 63), which are attached to and made a part of this permit in Appendix NSPS 43 CFR 60 Subpart LLL (09-09-10 FR) and Appendix NSPS 43 CFR 60 Subpart A. The applicable requirements are shown below.

*(continued)*

SECTION II. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection J. Common Conditions for Emissions Unit (EU) Nos. 002 through 006

J.2 (continued)

**NESHAP 40 CFR 63 Subpart LLL (09/09/10 FR) Applicable Provision References \***

*(Note - Entire section applies unless otherwise noted with specific applicable subsection references shown below the section caption.)*

**40 CFR**

**Section**

**General**

§ 63.1340 What parts of my plant does this subpart cover?

§ 63.1341 Definitions.

**Emission Standards and Operating Limits**

§ 63.1342 Standards: General.

§ 63.1343 What standards apply to my kilns, clinker coolers, raw material dryers, and open clinker piles.

(a), (b)\* & (c)

*(\* Section (b) Table 1 (Emission Limits for Kilns, Clinker Coolers, Raw Material Dryers, Raw and Finish Mills) applies as "existing" sources, except for the existing EU 003 Pyroprocessing System emission limitations for PM, Hg, and HCl. These limits (and associated compliance testing and emission monitoring requirements) do not apply until 09/09/13 (see 63.1351(b) Compliance Dates). Until that date the PM and Hg emission limits from Subpart LLL, as amended in the 12/20/06 Federal Register, apply for these pollutants. The 12/20/06 version of Subpart LLL does not include HCl limitations, so no HCl limitation apply until the above 09/09/13 compliance date.)*

§ 63.1344 Affirmative defense for exceedance of emission limit during malfunction.

§ 63.1345 Emissions limits for affected sources other than kilns; in-line kiln/raw mills; clinker coolers; new and reconstructed raw material dryers; and raw and finish mills, and open clinker piles.

§ 63.1346 Operating limits for kilns.

§ 63.1347 Operation and maintenance plan requirements.

§ 63.1348 Compliance requirements.

**Monitoring and Compliance Provisions**

§ 63.1349 Performance testing requirements.

§ 63.1350 Monitoring requirements.

(a), (d), (f), (g), (i), (j), & (m) through (p) \*

*(\* Subsections (b) and (l), requirements for continuous emissions monitoring for PM and HCl from EU 003, Pyroprocessing System, will apply beginning on 09/09/2013.)*

(continued)

SECTION I. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection J. Common Conditions for Emissions Unit (EU) Nos. 002 through 006

J.2 (continued)

§ 63.1351 Compliance dates.  
(a) through (c)

§ 63.1352 Additional test methods.

Notification, Reporting and Recordkeeping

§ 63.1353 Notification requirements.

§ 63.1354 Reporting requirements.

§ 63.1355 Recordkeeping requirements.

Other

§ 63.1356 Sources with multiple emission limits or monitoring requirements.

§ 63.1357 Temporary, conditioned exemption from particulate matter and opacity standards.

§ 63.1358 Implementation and enforcement.

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

*(\* Permitting Note - The above applicability references are based upon current operations as reflected in the initial Title V permit renewal application dated 08/09/10 and subsequent request for additional information response letter dated 01/04/11. Any change in operations may change the applicable provisions. Some of the applicable Subpart LLL requirements are also included as Specific Conditions in the emission unit subsections. )*

[Rules 62-204.800(11) and 62-213.440, F.A.C.; NESHAP 40 CFR 63 Subpart LLL; Construction Permit 1190042-001-AC (PSD-FL-361)]

**SECTION IV. APPENDICES.**

**The Following Appendices Are Enforceable Parts of This Permit:**

Appendix A, Glossary \*

Appendix BD – Final BACT Determination and Emission Standards

Appendix CAM, Compliance Assurance Monitoring Plan

Appendix I, List of Insignificant Emissions Units and/or Activities \*

Appendix ICE, Requirements for Internal Combustion Engines \*

Appendix NESHAP 40 CFR 63 Subpart A (General Provisions for 40 CFR 63)

Appendix NESHAP 40 CFR 63 Subpart LLL (Emissions Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry)

Appendix NSPS 40 CFR 60 Subpart A (General Provisions for 40 CFR 60)

Appendix NSPS 40 CFR 60 Subpart F (Standards of Performance for Portland Cement Plants)

Appendix NSPS 40 CFR 60 Subpart Y (Standards of Performance for Coal Preparation Plants)

Appendix NSPS 40 CFR 60 Subpart OOO (Standards of Performance for Non-Metallic Mineral Processing Plants)

Appendix RR, Facility-wide Reporting Requirements \*

Appendix TR, Facility-wide Testing Requirements \*

Appendix TV, Title V General Conditions \*

*\* These documents are included together in a Combined Appendices & Attachments electronic file.*



**REFERENCED ATTACHMENTS.**

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**The Following Attachments Are Included for Applicant Convenience:**

Figure 1, Summary Report - Gaseous and Opacity Excess Emission and Monitoring System Performance (40 CFR 60, July, 1996).

Table H, Permit History.

Table 1, Summary of Air Pollutant Standards and Terms.

Table 2, Compliance Requirements.

*\* The above documents are included together in a Combined Appendices & Attachments electronic file.*

## STATEMENT OF BASIS

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### Initial Title V Air Operation Permit Permit No. 1190042-007-AV

#### APPLICANT

The applicant for this project is American Cement Company, LLC. The applicant's responsible official and mailing address are: Mr. Cary O. Cohrs, President, American Cement Company, LLC, 4750 E. CR 470, P.O. Box 445, Sumterville, FL 33585.

#### FACILITY DESCRIPTION

The applicant operates the Sumterville Cement Plant which is located at 4750 E. CR 470, in Sumterville, Florida.

The facility consists of a nominal 1,150,000 tons per year dry process Portland cement manufacturing plant and a surface limestone mine. The plant equipment includes: a primary limestone crusher and conveyance equipment to transport limestone to raw material storage; a raw material storage building for limestone and materials containing silica, iron, and additives; stackers, reclaimers, and conveyance equipment to raw materials storage, drying and milling; an in-line raw mill that simultaneously dries raw materials using the exhaust gas from the kiln, PH/C, and clinker cooler; an air heater for use when additional drying capacity is required; a homogenizing (blending) silo; a coal and petroleum coke mill; a dry process preheater/calcliner (PH/C) kiln capable of producing 3,000 tons per day of clinker; whole tire kiln feeder system; a reciprocating clinker cooler; conveyance equipment to cement clinker storage; conveyance equipment to the cement finish mill; cement storage silos and a truck loadout area; and a packhouse. The plant uses coal, whole scrap tires, diesel fuel and on-specification used oil as fuel source for the kiln system. The primary kiln operating fuel is pulverized coal. The air heater is fired with natural gas, distillate fuel oil, and on-specification used oil.

Nitrogen oxides (NO<sub>x</sub>) emissions are minimized by indirect firing in a low-NO<sub>x</sub> main kiln burner, staged combustion in the calciner, and a selective non-catalytic reduction (SNCR) ammonia injection system. Sulfur dioxide (SO<sub>2</sub>) emissions are controlled by the use of inherently low sulfur raw materials and scrubbing by finely divided lime in the calciner. Carbon monoxide (CO) and volatile organic compound (VOC) emissions are controlled by promoting complete combustion in the kiln and calciner, and minimizing carbon and oily content of raw materials. Particulate matter (PM/PM<sub>10</sub>) from the PH/C kiln, in-line raw mill, and clinker cooler are controlled by a single large fabric filter main baghouse. Numerous baghouses are included to control PM/PM<sub>10</sub> dust emissions from materials conveyance, transfer, grinding, and handling. Fugitive PM/PM<sub>10</sub> emissions from raw material piles, loading operations, transportation, etc. are controlled by reasonable precautions including paving, road sweeping, watering, planting grass, etc.

This plant is subject to the maximum achievable control technology (MACT) requirements in 40 CFR 63 Subpart LLL – National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry. In addition, the plant is subject to the Department's determination of best available control technology (BACT) for NO<sub>x</sub>, CO, SO<sub>2</sub>, VOC and PM/PM<sub>10</sub> and the associated BACT emission limitations for each of these air pollutants.

This facility includes continuous emissions monitoring systems (CEMS) for NO<sub>x</sub>, CO, SO<sub>2</sub>, total hydrocarbons (THC)/VOC, opacity, and mercury (Hg) on the PH/C kiln, in-line raw mill, and clinker cooler fabric filter main baghouse exhaust stack.

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

#### PROJECT DESCRIPTION

The purpose of this permitting project is issuance of an initial Title V air operation permit for the above referenced facility.

## STATEMENT OF BASIS

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### PROCESSING SCHEDULE AND RELATED DOCUMENTS

Initial air construction permit for this facility, Construction Permit 1190042-001-AC (PSD-FL-361), issued February 13, 2006

Construction permit modification, Construction Permit 1190042-002-AC (PSD-FL-361A), issued July 7, 2007

Construction permit modification, Construction Permit 1190042-003-AC (PSD-FL-361B), issued March 11, 2008

Application for initial Title V Air Operation Permit received August 11, 2010

Department Request for Additional Information dated October 8, 2010

Additional Information Response received January 6, 2011

Notice of Intent to Issue Air Permit issued [Month day, year] (to be completed in PROPOSED permit)

Public Notice Published [Month day, year] (to be completed in PROPOSED permit)

### PRIMARY REGULATORY REQUIREMENTS

Title III: The facility is identified as a major source of hazardous air pollutants (HAP).

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 62-213, Florida Administrative Code (F.A.C.).

PSD: The facility is a Prevention of Significant Deterioration (PSD)-major source of air pollution in accordance with Rule 62-212.400, F.A.C.

NSPS: The facility does operate units subject to the New Source Performance Standards (NSPS) of 40 Code of Federal Regulations (CFR) 60 (Subparts F, Y, OOO, and IIII).

NESHAP: The facility does operate units subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) of 40 CFR 63 (Subpart LLL).

CAIR: The facility is not subject to the Clean Air Interstate Rule (CAIR) set forth in Rule 62-296.470, F.A.C.

CAM: Compliance Assurance Monitoring (CAM) applies to Emissions Unit (EU) No. 003 (Pyroprocessing System) for the regulated emissions of particulate matter, which are controlled by a baghouse (Emission Point/Baghouse ID E-19). The other fabric filter baghouses at the facility are not subject to CAM either because the baghouse is considered as an inherent part of the process (baghouses for the Finish Mill Air Separator (EU No. 005, Emission Point/Baghouse ID N-93) and the Coal/Pet Coke Mill (EU No. 007, Emission Point/Baghouse ID S-22), or the affected emissions units do not have particulate matter emission limits (this is the case for all of the remaining baghouses). EU No. 003 is the only emissions unit to have an emission control device other in addition to a baghouse. It has a SNCR system to control NOx emissions, but the exhaust stack is equipped with a NOx CEMS which is the continuous compliance determination method for the EU No. 003 NOx emission limit and therefore CAM does not apply.

### PROJECT REVIEW

This project is the initial Title V operation permit for this facility. It will incorporate the provisions of the initial air construction permit for this facility, Construction Permit 1190042-001-AC (PSD-FL-361), which authorized the construction of a Portland cement manufacturing facility, and subsequent amendments made in Construction Permits 1190042-002-AC (PSD-FL-361A) and 1190042-003-AC (PSD-FL-361B).

### CONCLUSION

This project is for the initial Title V air operation permit. This initial Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-213, F.A.C.

**ATTACHMENTS**  
**(INCLUDED FOR CONVENIENCE)**

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The following attachments are included for convenient reference:

Figure 1, Summary Report-Gaseous and Opacity Excess Emission and  
Monitoring System Performance (40 CFR 60, July, 1996)

Table H, Permit History

Table 1, Summary of Air Pollutant Standards and Terms

Table 2, Summary of Compliance Requirements.

**FIGURE 1**

**SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE**

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

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

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

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

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

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

Monitor Manufacturer: \_\_\_\_\_

Model No.: \_\_\_\_\_

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

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

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

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

<sup>1</sup> For opacity, record all times in minutes. For gases, record all times in hours.  
<sup>2</sup> For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

*Note: On a separate page, describe any changes since the last in CMS, process or controls.*

I certify that the information contained in this report is true, accurate, and complete.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**TABLE H  
PERMIT HISTORY**

<b>E.U. ID No.</b>	<b>Description</b>	<b>Permit No.</b>	<b>Effective Date</b>	<b>Expiration Date</b>	<b>Project Type</b>
All	Portland Cement Manufacturing Plant	1190042-001-AC (PSD-FL-361)	02/13/2006	06/30/2009	Initial PSD Construction Permit
003	Pyroprocessing System	1190042-002-AC (PSD-FL-361A)	07/27/2007	06/30/2009	Construction permit modification (change main stack diameter)
All	Portland Cement Manufacturing Plant	1190042-003-AC (PSD-FL-361B)	03/11/2008	06/30/2009	Construction permit modification (add used oil as fuel)
All	Portland Cement Manufacturing Plant	1190042-004-AC (PSD-FL-361C)	03/26/2009	06/30/2010	Construction permit modification (extend expiration date)
All	Portland Cement Manufacturing Plant	1190042-005-AC (PSD-FL-361D)	04/14/2010	03/01/2011	Construction permit modification (extend expiration date)
003	Pyroprocessing System	1190042-006-AC (PSD-FL-361E)	07/15/2010	03/01/2011	Construction permit modification (extend date to install Hg CEMS)
All	Portland Cement Manufacturing Plant	1190042-007-AV	<i>Current project</i>		Initial Title V Air Operation Permit

TABLE 1

## SUMMARY OF AIR POLLUTANT STANDARDS AND TERMS

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	Fuel(s)	Hrs/Yr	Pollutant Name	Standard Allowable Emissions	Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
						lbs/hr	TPY		
001	Raw Material Quarrying, Crushing, and Storage		8,760	Visible Emissions (VE)	15% opacity from crusher			Rule 62-212.400 (BACT), F.A.C.; 40 CFR 60 Subpart 000; 1190042-001-AC	A.3.a.
"	"		"	"	10% opacity from transfer points on conveyors & other activities			"	A.3.b.
"	"		"	"	7% opacity from fugitive emissions from building openings			"	A.3.c.
002	Raw Materials Conveying, Storage, and Processing		8,760	Visible Emissions (VE)	5% opacity from baghouses; 10% opacity from other			Rule 62-212.400 (BACT), F.A.C.; 1190042-001-AC	B.2.a. & b.
003	Pyroprocessing System	Coal, pet. coke, diesel oil, used oil, waste tires, nat. gas	8,760	CO, NO <sub>x</sub> , SO <sub>2</sub> , VOC, THC, PM/PM <sub>10</sub> , D/F, Hg, HCl, VE	(See table in Specific Condition No. C.12.)		(See Note at end of SC C.12.)	Rule 62-212.400 (BACT), F.A.C.; NESHAP 40 CF 63 Subpart LLL; 1190042-001-AC (PSD-FL-361) (See Specific Cond. No. C.12.)	C.12.

**TABLE 1**

**SUMMARY OF AIR POLLUTANT STANDARDS AND TERMS**

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	Fuel(s)	Hrs/Yr	Pollutant Name	Standard Allowable Emissions	Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
						lbs/hr	TPY		
004	Clinker and Additives Storage and Handling		8,760	Visible Emissions (VE)	5% opacity from baghouses; 10% opacity from other			Rule 62-212.400 (BACT, F.A.C.; 1190042-001-AC	D.2.a. & b.
005	Finish Mill (Baghouse N-93 only)		8,760	PM/PM <sub>10</sub>	0.007 gr/dscf	13.26	58.2	Rule 62-212.400 (BACT, F.A.C.; 1190042-001-AC	E.2.
"	Finish Mill (Baghouses N-93 and N-94)		8,760	Visible Emissions (VE)	5% opacity			Rule 62-212.400 (BACT, F.A.C.; 1190042-001-AC	E.3. & E.4.
006	Cement Handling, Storage, Packing, and Loadout		8,760	Visible Emissions (VE)	5% opacity from baghouses; 10% opacity from other			Rule 62-212.400 (BACT, F.A.C.; 1190042-001-AC	F.2.a. & b.

**Note:**

\* The "Equivalent Emissions" are for informational purposes only.



TABLE 1

## SUMMARY OF AIR POLLUTANT STANDARDS AND TERMS

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	Fuel(s)	Hrs/Yr	Pollutant Name	Standard Allowable Emissions	Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
						lbs/hr	TPY		
007	Coal and Petroleum Coke Grinding System Dryer (Baghouse/EP S-22)		8,760	PM (Dryer only)	0.007 gr/dscf		3.5	Rule 62-212.400 (BACT), F.A.C.; 1190042-001-AC	G.3.
	Coal and Petroleum Coke Grinding System – EP's Controlled by Baghouses (BH/EP S-22 & S-26)		8,760	Visible Emissions (VE)	5% opacity			Rule 62-212.400 (BACT), F.A.C.; 1190042-001-AC	G.4.a
	Coal and Petroleum Coke Grinding System – conveying, storage, transfer & loading systems EPs w/o Baghouses		8,760	Visible Emissions (VE)	10% opacity			Rule 62-212.400 (BACT), F.A.C.; 1190042-001-AC	G.4.b.
008	Fugitive Dust From Storage Piles, and Roads		8,760	Fugitive PM	Reasonable Precautions			Rules 62-212.400 (BACT) & 62-296.320(4)©, F.A.C.; 1190042-001-AC	H.1., H.2.
009	Emergency Stationary RICE	Diesel	Emergency		See Appendix ICE			NSPS 40 CFR 60 Subpart IIII	Appendix ICE

EP = Emission point

TABLE 2

## SUMMARY OF COMPLIANCE REQUIREMENTS

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	Fuel(s)	Pollutant Name	Emission Monitoring	Emission Control	Compliance Method/ EPA Method	Testing Time Frequency	Min. Compliance Test Duration/ Averaging Time	See Permit Condition(s)
001	Raw Material Quarrying, Crushing, and Storage		Visible Emissions (VE)			EPA Method 9	Each Federal Fiscal Year (FFY) (Oct. 1 to Sept. 30)	As per test method (6-minute block)	A.4. & A.5
002	Raw Materials Conveying, Storage, and Processing		Visible Emissions (VE)	Periodic monitoring (EPA Method 22)	Baghouses	EPA Method 9	Each Federal Fiscal Year (FFY) (Oct. 1 to Sept. 30)	As per test method (6-minute block)	B.3. - B.5.
003	Pyroprocessing System	Coal, pet. coke, diesel oil, used oil, waste tires, nat. gas	CO, NO <sub>x</sub> , SO <sub>2</sub> , VOC, THC, PM/PM <sub>10</sub> , D/F, Hg, HCl, VE	CEMS, COMS (see Specific Condition No. C.12.)	Baghouse, SNCR, or none	CEMS, COMS (or stack testing)	Continuous, (or per test method)	Various (see Specific Condition No. C.12.)	C.12.
004	Clinker and Additives Storage and Handling		Visible Emissions (VE)	Periodic monitoring (EPA Method 22)	Baghouses	EPA Method 9	Each Federal Fiscal Year (FFY) (Oct. 1 to Sept. 30)	As per test method (6-minute block)	D.3 - D.3.
005	Finish Mill		Visible Emissions (VE)	Periodic monitoring (EPA Method 22)	Baghouses ID N-93 & ID N-94	EPA Method 9	Each Federal Fiscal Year (FFY) (Oct. 1 to Sept. 30)	As per test method (6-minute block)	E.3., E.4., E.5., & E.7
"	Finish Mill Air Separator		Particulate Matter (PM)		Baghouse ID N-93	EPA Method 5	Prior to renewal	As per test method	E.2., E.6., & E.8.

TABLE 2

## SUMMARY OF COMPLIANCE REQUIREMENTS

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	Fuel(s)	Pollutant Name	Emission Monitoring	Emission Control	Compliance Method/ EPA Method	Testing Time Frequency	Min. Compliance Test Duration/ Averaging Time	See Permit Condition(s)
006	Cement Handling, Storage, Packing, and Loadout		Visible Emissions (VE)	Periodic monitoring (EPA Method 22)	Baghouses	EPA Method 9	Each Federal Fiscal Year (FFY) (Oct. 1 to Sept. 30)	As per test method (6-minute block)	F.3. - F.5.
007	Coal and Petroleum Coke Grinding System		Particulate Matter (PM) (Dryer Only)		Baghouses	EPA Method 9	Prior to renewal	As per test method	G.6. & G.8.
"	"		Visible Emissions (VE)		Baghouses	EPA Method 9	Each Federal Fiscal Year (FFY) (Oct. 1 to Sept. 30)	As per test method (6-minute block)	G.6. & G.7.
008	Fugitive Dust From Storage Piles, and Roads								
009	Emergency Stationary RICE								Appendix ICE

**Note:**

<sup>1</sup>CEMS = Continuous Emissions Monitoring System (used to determine compliance with emissions standards); COMS = Continuous Opacity Monitoring System

### Federal Regulations Adopted by Reference

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

*Federal Revision Date: May 16, 2007*

*State Rule Effective Date: October 1, 2007*

*Standardized Conditions Revision Date: January 29, 2008*

### 40 CFR Part 63, Subpart A – General Provisions

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

#### § 63.1 Applicability.

(a) *General.*

- (1) Terms used throughout this part are defined in §63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in §63.2.
- (2) This part contains national emission standards for hazardous air pollutants (NESHAP) established pursuant to section 112 of the Act as amended November 15, 1990. These standards regulate specific categories of stationary sources that emit (or have the potential to emit) one or more hazardous air pollutants listed in this part pursuant to section 112(b) of the Act. This section explains the applicability of such standards to sources affected by them. The standards in this part are independent of NESHAP contained in 40 CFR part 61. The NESHAP in part 61 promulgated by signature of the Administrator before November 15, 1990 (i.e., the date of enactment of the Clean Air Act Amendments of 1990) remain in effect until they are amended, if appropriate, and added to this part.
- (3) No emission standard or other requirement established under this part shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by the Administrator pursuant to other authority of the Act (section 111, part C or D or any other authority of this Act), or a standard issued under State authority. The Administrator may specify in a specific standard under this part that facilities subject to other provisions under the Act need only comply with the provisions of that standard.
- (4)
  - (i) Each relevant standard in this part 63 must identify explicitly whether each provision in this subpart A is or is not included in such relevant standard.
  - (ii) If a relevant part 63 standard incorporates the requirements of 40 CFR part 60, part 61 or other part 63 standards, the relevant part 63 standard must identify explicitly the applicability of each corresponding part 60, part 61, or other part 63 subpart A (General) provision.
  - (iii) The General Provisions in this subpart A do not apply to regulations developed pursuant to section 112(r) of the amended Act, unless otherwise specified in those regulations.
- (5) [Reserved]
- (6) To obtain the most current list of categories of sources to be regulated under section 112 of the Act, or to obtain the most recent regulation promulgation schedule established pursuant to section 112(e) of the Act, contact the Office of the Director, Emission Standards Division, Office of Air Quality Planning and Standards, U.S. EPA (MD-13), Research Triangle Park, North Carolina 27711.
- (7)–(9) [Reserved]
- (10) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word “calendar” is absent, unless otherwise specified in an applicable requirement.
- (11) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, test plan, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be postmarked on or before 15 days

following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

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

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

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

- (i) Emits or has the potential to emit any hazardous air pollutant listed in or pursuant to section 112(b) of the Act; and
- (ii) Is subject to any standard, limitation, prohibition, or other federally enforceable requirement established pursuant to this part.

(2) [Reserved]

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

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

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

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

- (i) States will have the option to exclude area sources affected by that standard from the requirement to obtain a title V permit (i.e., the standard will exempt the category of area sources altogether from the permitting requirement);
- (ii) States will have the option to defer permitting of area sources in that category until the Administrator takes rulemaking action to determine applicability of the permitting requirements; or
- (iii) If a standard fails to specify what the permitting requirements will be for area sources affected by such a standard, then area sources that are subject to the standard will be subject to the requirement to obtain a title V permit without any deferral.

(3)–(4) [Reserved]

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

(d) [Reserved]

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

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

**§ 63.2 Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

*Compliance schedule* means:

- (1) In the case of an affected source that is in compliance with all applicable requirements established under this part, a statement that the source will continue to comply with such requirements; or
- (2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or
- (3) In the case of an affected source not in compliance with all applicable requirements established under this part, a schedule of remedial measures, including an enforceable sequence of actions or operations with milestones and a schedule for the submission of certified progress reports, where applicable, leading to compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established pursuant to section 112 of the Act for which the affected source is not in compliance. This compliance schedule shall resemble and be at least as

stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

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

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

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

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

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

*Effective date* means:

- (1) With regard to an emission standard established under this part, the date of promulgation in the Federal Register of such standard; or
- (2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part.

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

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

*EPA* means the United States Environmental Protection Agency.

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

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

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

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

- (1) Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the Act as amended in 1990;
- (2) New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990;

- (3) All terms and conditions in a title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;
- (4) Limitations and conditions that are part of an approved State Implementation Plan (SIP) or a Federal Implementation Plan (FIP);
- (5) Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR part 51;
- (6) Limitations and conditions that are part of an operating permit where the permit and the permitting program pursuant to which it was issued meet all of the following criteria:
  - (i) The operating permit program has been submitted to and approved by EPA into a State implementation plan (SIP) under section 110 of the CAA;
  - (ii) The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA;
  - (iii) The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable";
  - (iv) The limitations, controls, and requirements in the permit in question are permanent, quantifiable, and otherwise enforceable as a practical matter; and
  - (v) The permit in question was issued only after adequate and timely notice and opportunity for comment for EPA and the public.
- (7) Limitations and conditions in a State rule or program that has been approved by the EPA under subpart E of this part for the purposes of implementing and enforcing section 112; and
- (8) Individual consent agreements that the EPA has legal authority to create.

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

*Force majeure* means, for purposes of §63.7, an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

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

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

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

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

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



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

- (1) Indicator(s) of performance—the parameter or parameters you measure or observe for demonstrating proper operation of the pollution control measures or compliance with the applicable emissions limitation or standard. Indicators of performance may include direct or predicted emissions measurements (including opacity), operational parametric values that correspond to process or control device (and capture system) efficiencies or emissions rates, and recorded findings of inspection of work practice activities, materials tracking, or design characteristics. Indicators may be expressed as a single maximum or minimum value, a function of process variables (for example, within a range of pressure drops), a particular operational or work practice status (for example, a damper position, completion of a waste recovery task, materials tracking), or an interdependency between two or among more than two variables.
- (2) Measurement techniques—the means by which you gather and record information of or about the indicators of performance. The components of the measurement technique include the detector type, location and installation specifications, inspection procedures, and quality assurance and quality control measures. Examples of measurement techniques include continuous emission monitoring systems, continuous opacity monitoring systems, continuous parametric monitoring systems, and manual inspections that include making records of process conditions or work practices.
- (3) Monitoring frequency—the number of times you obtain and record monitoring data over a specified time interval. Examples of monitoring frequencies include at least four points equally spaced for each hour for continuous emissions or parametric monitoring systems, at least every 10 seconds for continuous opacity monitoring systems, and at least once per operating day (or week, month, etc.) for work practice or design inspections.
- (4) Averaging time—the period over which you average and use data to verify proper operation of the pollution control approach or compliance with the emissions limitation or standard. Examples of averaging time include a 3-hour average in units of the emissions limitation, a 30-day rolling average emissions value, a daily average of a control device operational parametric range, and an instantaneous alarm.

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

- (1) Emission reduction impacts of controlling individual sources versus groups of sources;
- (2) Cost effectiveness of controlling individual equipment;
- (3) Flexibility to accommodate common control strategies;
- (4) Cost/benefits of emissions averaging;
- (5) Incentives for pollution prevention;
- (6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);
- (7) Feasibility and cost of monitoring; and
- (8) Other relevant factors.

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

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

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

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

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

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

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

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

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

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

*Permitting authority* means:

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

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

- (1) *Source reduction* is any practice that:
  - (i) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
  - (ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.
- (2) The term *source reduction* includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.
- (3) The term *source reduction* does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

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

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

- (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and
- (2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

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

*Relevant standard* means:

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

*Responsible official* means one of the following:

- (1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:
  - (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - (ii) The delegation of authority to such representative is approved in advance by the Administrator.
- (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- (3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).
- (4) For affected sources (as defined in this part) applying for or subject to a title V permit: "responsible official" shall have the same meaning as defined in part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever is applicable.

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

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

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

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

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

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

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

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

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

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

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

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16596, Apr. 5, 2002; 68 FR 32600, May 30, 2003; 69 FR 21752, Apr. 22, 2004; 72 FR 27443, May 16, 2007]

### § 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<sup>3</sup> = cubic meter  
mg = milligram = 10<sup>-3</sup> gram  
ml = milliliter = 10<sup>-3</sup> liter  
mm = millimeter = 10<sup>-3</sup> meter  
Mg = megagram = 10<sup>6</sup> gram = metric ton  
MJ = megajoule  
mol = mole  
N = newton  
ng = nanogram = 10<sup>-9</sup> gram  
nm = nanometer = 10<sup>-9</sup> meter  
Pa = pascal  
s = second  
V = volt  
W = watt  
Ω = ohm  
μg = microgram = 10<sup>-6</sup> gram  
μl = microliter = 10<sup>-6</sup> 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<sup>2</sup> = square feet  
ft<sup>3</sup> = cubic feet  
gal = gallon  
gr = grain  
g-eq = gram equivalent  
g-mole = gram mole  
hr = hour  
in. = inch  
in. H<sub>2</sub>O = inches of water  
K = 1,000  
kcal = kilocalorie  
lb = pound  
lpm = liter per minute  
meq = milliequivalent  
min = minute  
MW = molecular weight  
oz = ounces  
ppb = parts per billion  
ppbw = parts per billion by weight  
ppbv = parts per billion by volume  
ppm = parts per million  
ppmw = parts per million by weight  
ppmv = parts per million by volume  
psia = pounds per square inch absolute  
psig = pounds per square inch gage  
°R = degree Rankine

scf = cubic feet at standard conditions  
 scfh = cubic feet at standard conditions per hour  
 scm = cubic meter at standard conditions  
 scmm = cubic meter at standard conditions per minute  
 sec = second  
 sq ft = square feet  
 std = at standard conditions  
 v/v = volume per volume  
 yd<sup>2</sup> = square yards  
 yr = year

(c) *Miscellaneous:*

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

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

**§ 63.4 Prohibited activities and circumvention.**

(a) *Prohibited activities.*

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

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

(3)–(5) [Reserved]

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

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

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

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

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

**§ 63.5 Preconstruction review and notification requirements.**

(a) *Applicability.*

- (1) This section implements the preconstruction review requirements of section 112(i)(1). After the effective date of a relevant standard, promulgated pursuant to section 112(d), (f), or (h) of the Act, under this part, the preconstruction review requirements in this section apply to the owner or operator of new affected sources and reconstructed affected sources that are major-emitting as specified in this section. New and reconstructed affected sources that commence construction or reconstruction before the effective date of a relevant standard are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.
  - (2) This section includes notification requirements for new affected sources and reconstructed affected sources that are not major-emitting affected sources and that are or become subject to a relevant promulgated emission standard after the effective date of a relevant standard promulgated under this part.
- (b) *Requirements for existing, newly constructed, and reconstructed sources.*
- (1) A new affected source for which construction commences after proposal of a relevant standard is subject to relevant standards for new affected sources, including compliance dates. An affected source for which reconstruction commences after proposal of a relevant standard is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.
  - (2) [Reserved]
  - (3) After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures specified in paragraphs (d) and (e) of this section, do any of the following:
    - (i) Construct a new affected source that is major-emitting and subject to such standard;
    - (ii) Reconstruct an affected source that is major-emitting and subject to such standard; or
    - (iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.
  - (4) After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in §63.9(b).
  - (5) [Reserved]
  - (6) After the effective date of any relevant standard promulgated by the Administrator under this part, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard must be considered part of the affected source and subject to all provisions of the relevant standard established for that affected source.
- (c) [Reserved]
- (d) *Application for approval of construction or reconstruction.* The provisions of this paragraph implement section 112(i)(1) of the Act.
- (i) *General application requirements.*
    - (i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section must submit to the Administrator an application for approval of the construction or reconstruction. The application must be submitted as soon as practicable before actual construction or reconstruction begins. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of §63.9(b)(5). The owner or operator may submit the application for approval well in advance of the date actual construction or reconstruction begins in order to ensure a timely review by the Administrator and that the planned date to begin will not be delayed.
    - (ii) A separate application shall be submitted for each construction or reconstruction. Each application for approval of construction or reconstruction shall include at a minimum:
      - (A) The applicant's name and address;

- (B) A notification of intention to construct a new major affected source or make any physical or operational change to a major affected source that may meet or has been determined to meet the criteria for a reconstruction, as defined in §63.2 or in the relevant standard;
  - (C) The address (i.e., physical location) or proposed address of the source;
  - (D) An identification of the relevant standard that is the basis of the application;
  - (E) The expected date of the beginning of actual construction or reconstruction;
  - (F) The expected completion date of the construction or reconstruction;
  - (G) [Reserved]
  - (H) The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified in the relevant standard, or if actual emissions data are not yet available, an estimate of the type and quantity of hazardous air pollutants expected to be emitted by the source reported in units and averaging times specified in the relevant standard. The owner or operator may submit percent reduction information if a relevant standard is established in terms of percent reduction. However, operating parameters, such as flow rate, shall be included in the submission to the extent that they demonstrate performance and compliance; and
  - (I) [Reserved]
  - (J) Other information as specified in paragraphs (d)(2) and (d)(3) of this section.
- (iii) An owner or operator who submits estimates or preliminary information in place of the actual emissions data and analysis required in paragraphs (d)(1)(ii)(H) and (d)(2) of this section shall submit the actual, measured emissions data and other correct information as soon as available but no later than with the notification of compliance status required in §63.9(h) (see §63.9(h)(5)).
- (2) *Application for approval of construction.* Each application for approval of construction must include, in addition to the information required in paragraph (d)(1)(ii) of this section, technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including an identification of each type of emission point for each type of hazardous air pollutant that is emitted (or could reasonably be anticipated to be emitted) and a description of the planned air pollution control system (equipment or method) for each emission point. The description of the equipment to be used for the control of emissions must include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions must include an estimated control efficiency (percent) for that method. Such technical information must include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations.
- (3) *Application for approval of reconstruction.* Each application for approval of reconstruction shall include, in addition to the information required in paragraph (d)(1)(ii) of this section—
- (i) A brief description of the affected source and the components that are to be replaced;
  - (ii) A description of present and proposed emission control systems (i.e., equipment or methods). The description of the equipment to be used for the control of emissions shall include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions shall include an estimated control efficiency (percent) for that method. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations;
  - (iii) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source;
  - (iv) The estimated life of the affected source after the replacements; and
  - (v) A discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements. The discussion shall be sufficiently detailed to demonstrate to the Administrator's satisfaction that the technical or economic limitations affect the source's ability to comply with the relevant standard and how they do so.
  - (vi) If in the application for approval of reconstruction the owner or operator designates the affected source as a reconstructed source and declares that there are no economic or technical limitations to prevent the source from



complying with all relevant standards or other requirements, the owner or operator need not submit the information required in paragraphs (d)(3)(iii) through (d)(3)(v) of this section.

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

(e) *Approval of construction or reconstruction.*

(1)

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

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

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

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

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

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

(2)

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

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

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

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

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

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

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

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

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

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

- (1) Preconstruction review procedures that a State utilizes for other purposes may also be utilized for purposes of this section if the procedures are substantially equivalent to those specified in this section. The Administrator will approve an application for construction or reconstruction specified in paragraphs (b)(3) and (d) of this section if the owner or operator of a new affected source or reconstructed affected source, who is subject to such requirement meets the following conditions:
  - (i) The owner or operator of the new affected source or reconstructed affected source has undergone a preconstruction review and approval process in the State in which the source is (or would be) located and has received a federally enforceable construction permit that contains a finding that the source will meet the relevant promulgated emission standard, if the source is properly built and operated.
  - (ii) Provide a statement from the State or other evidence (such as State regulations) that it considered the factors specified in paragraph (e)(1) of this section.
- (2) The owner or operator must submit to the Administrator the request for approval of construction or reconstruction under this paragraph (f)(2) no later than the application deadline specified in paragraph (d)(1) of this section (see also §63.9(b)(2)). The owner or operator must include in the request information sufficient for the Administrator's determination. The Administrator will evaluate the owner or operator's request in accordance with the procedures specified in paragraph (e) of this section. The Administrator may request additional relevant information after the submittal of a request for approval of construction or reconstruction under this paragraph (f)(2).

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

**§ 63.6 Compliance with standards and maintenance requirements.**

(a) *Applicability.*

- (1) The requirements in this section apply to the owner or operator of affected sources for which any relevant standard has been established pursuant to section 112 of the Act and the applicability of such requirements is set out in accordance with §63.1(a)(4) unless—
  - (i) The Administrator (or a State with an approved permit program) has granted an extension of compliance consistent with paragraph (i) of this section; or
  - (ii) The President has granted an exemption from compliance with any relevant standard in accordance with section 112(i)(4) of the Act.
- (2) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement.

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

- (1) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source for which construction or reconstruction commences after proposal of a relevant standard that has an initial startup before the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard not later than the standard's effective date.
- (2) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source that has an initial startup after the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard upon startup of the source.
- (3) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established under this part pursuant to section 112(d), 112(f), or 112(h) of the Act but before the effective date (that is, promulgation) of such standard shall comply with the relevant emission standard not later than the date 3 years after the effective date if:
  - (i) The promulgated standard (that is, the relevant standard) is more stringent than the proposed standard; for purposes of this paragraph, a finding that controls or compliance methods are “more stringent” must include control technologies or performance criteria and compliance or compliance assurance methods that are different but are substantially equivalent to those required by the promulgated rule, as determined by the Administrator (or his or her authorized representative); and

- (ii) The owner or operator complies with the standard as proposed during the 3-year period immediately after the effective date.
  - (4) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall not be required to comply with the section 112(f) emission standard until the date 10 years after the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or operator must comply with the standard as provided in paragraphs (b)(1) and (2) of this section.
  - (5) The owner or operator of a new source that is subject to the compliance requirements of paragraph (b)(3) or (4) of this section must notify the Administrator in accordance with §63.9(d)
  - (6) [Reserved]
  - (7) When an area source becomes a major source by the addition of equipment or operations that meet the definition of new affected source in the relevant standard, the portion of the existing facility that is a new affected source must comply with all requirements of that standard applicable to new sources. The source owner or operator must comply with the relevant standard upon startup.
- (c) *Compliance dates for existing sources.*
- (1) After the effective date of a relevant standard established under this part pursuant to section 112(d) or 112(h) of the Act, the owner or operator of an existing source shall comply with such standard by the compliance date established by the Administrator in the applicable subpart(s) of this part. Except as otherwise provided for in section 112 of the Act, in no case will the compliance date established for an existing source in an applicable subpart of this part exceed 3 years after the effective date of such standard.
  - (2) If an existing source is subject to a standard established under this part pursuant to section 112(f) of the Act, the owner or operator must comply with the standard by the date 90 days after the standard's effective date, or by the date specified in an extension granted to the source by the Administrator under paragraph (i)(4)(ii) of this section, whichever is later.
  - (3)–(4) [Reserved]
  - (5) Except as provided in paragraph (b)(7) of this section, the owner or operator of an area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources. Such sources must comply by the date specified in the standards for existing area sources that become major sources. If no such compliance date is specified in the standards, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in the relevant standard for existing sources in existence at the time the standard becomes effective.
- (d) [Reserved]
- (e) *Operation and maintenance requirements.*
- (1)
    - (i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

- (ii) Malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.
  - (iii) Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.
- (2) [Reserved]
- (3) *Startup, shutdown, and malfunction plan.*
- (i) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; and a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the relevant standard. The startup, shutdown, and malfunction plan does not need to address any scenario that would not cause the source to exceed an applicable emission limitation in the relevant standard. This plan must be developed by the owner or operator by the source's compliance date for that relevant standard. The purpose of the startup, shutdown, and malfunction plan is to—
    - (A) Ensure that, at all times, the owner or operator operates and maintains each affected source, including associated air pollution control and monitoring equipment, in a manner which satisfies the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;
    - (B) Ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of hazardous air pollutants; and
    - (C) Reduce the reporting burden associated with periods of startup, shutdown, and malfunction (including corrective action taken to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).
  - (ii) [Reserved]
  - (iii) When actions taken by the owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist," or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan and describes the actions taken for that event. In addition, the owner or operator must keep records of these events as specified in paragraph 63.10(b), including records of the occurrence and duration of each startup or shutdown (if the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in §63.10(d)(5).
  - (iv) If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard, then the owner or operator must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with §63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).
  - (v) The owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the startup, shutdown, and malfunction plan is subsequently revised as provided in paragraph (e)(3)(viii) of this section, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption

of a startup, shutdown, and malfunction plan the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator. The Administrator may at any time request in writing that the owner or operator submit a copy of any startup, shutdown, and malfunction plan (or a portion thereof) which is maintained at the affected source or in the possession of the owner or operator. Upon receipt of such a request, the owner or operator must promptly submit a copy of the requested plan (or a portion thereof) to the Administrator. The owner or operator may elect to submit the required copy of any startup, shutdown, and malfunction plan to the Administrator in an electronic format. If the owner or operator claims that any portion of such a startup, shutdown, and malfunction plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40 CFR 2.301, the material which is claimed as confidential must be clearly designated in the submission.

- (vi) To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection or submitted when requested by the Administrator.
- (vii) Based on the results of a determination made under paragraph (e)(1)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator must require appropriate revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:
  - (A) Does not address a startup, shutdown, or malfunction event that has occurred;
  - (B) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;
  - (C) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control and monitoring equipment as quickly as practicable; or
  - (D) Includes an event that does not meet the definition of startup, shutdown, or malfunction listed in §63.2.
- (viii) The owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.
- (ix) The title V permit for an affected source must require that the owner or operator develop a startup, shutdown, and malfunction plan which conforms to the provisions of this part, but may do so by citing to the relevant subpart or subparagraphs of paragraph (c) of this section. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under part 70 or part 71 of this chapter and the elements of the startup, shutdown, and malfunction plan shall not be considered an applicable requirement as defined in §70.2 and §71.2 of this chapter. Moreover, none of the procedures specified by the startup, shutdown, and malfunction plan for an affected source shall be deemed to fall within the permit shield provision in section 504(f) of the Act.

(f) *Compliance with nonopacity emission standards —*

- (1) *Applicability.* The non-opacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the non-opacity emission standards set forth in this part, then that emission point must still be required to comply with the non-opacity emission standards and other applicable requirements.
- (2) *Methods for determining compliance.*
  - (i) The Administrator will determine compliance with nonopacity emission standards in this part based on the results of performance tests conducted according to the procedures in §63.7, unless otherwise specified in an applicable subpart of this part.
  - (ii) The Administrator will determine compliance with nonopacity emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in §63.6(e) and applicable subparts of this part.
  - (iii) If an affected source conducts performance testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if—
    - (A) The performance test was conducted within a reasonable amount of time before an initial performance test is required to be conducted under the relevant standard;
    - (B) The performance test was conducted under representative operating conditions for the source;
    - (C) The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in §63.7(e) of this subpart; and
    - (D) The performance test was appropriately quality-assured, as specified in §63.7(c).
  - (iv) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by review of records, inspection of the source, and other procedures specified in applicable subparts of this part.
  - (v) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, as specified in paragraph (e) of this section and applicable subparts of this part.
- (3) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with a non-opacity emission standard, as specified in paragraphs (f)(1) and (2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable), and information available to the Administrator pursuant to paragraph (e)(1)(i) of this section.
- (g) *Use of an alternative nonopacity emission standard.*
  - (1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act, the Administrator will publish in the Federal Register a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any Federal Register notice under this paragraph shall be published only after the public is notified and given the opportunity to comment. Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.
  - (2) An owner or operator requesting permission under this paragraph shall, unless otherwise specified in an applicable subpart, submit a proposed test plan or the results of testing and monitoring in accordance with §63.7 and §63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during

testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in §63.7 and §63.8.

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

(h) *Compliance with opacity and visible emission standards —*

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

(2) *Methods for determining compliance.*

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

(ii) [Reserved]

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

- (A) The opacity or visible emission test was conducted within a reasonable amount of time before a performance test is required to be conducted under the relevant standard;
- (B) The opacity or visible emission test was conducted under representative operating conditions for the source;
- (C) The opacity or visible emission test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in §63.7(e); and
- (D) The opacity or visible emission test was appropriately quality-assured, as specified in §63.7(c) of this section.

(3) [Reserved]

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

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

- (i) For the purpose of demonstrating initial compliance, opacity or visible emission observations shall be conducted concurrently with the initial performance test required in §63.7 unless one of the following conditions applies:
- (A) If no performance test under §63.7 is required, opacity or visible emission observations shall be conducted within 60 days after achieving the maximum production rate at which a new or reconstructed source will be operated, but not later than 120 days after initial startup of the source, or within 120 days after the effective date of the relevant standard in the case of new sources that start up before the standard's effective date. If no performance test under §63.7 is required, opacity or visible emission observations shall be conducted within 120 days after the compliance date for an existing or modified source; or

- (B) If visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §63.7, or within the time period specified in paragraph (h)(5)(i)(A) of this section, the source's owner or operator shall reschedule the opacity or visible emission observations as soon after the initial performance test, or time period, as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. The rescheduled opacity or visible emission observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under §63.7. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity or visible emission observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 or Test Method 22 in appendix A of part 60 of this chapter.
- (ii) For the purpose of demonstrating initial compliance, the minimum total time of opacity observations shall be 3 hours (30 6-minute averages) for the performance test or other required set of observations (e.g., for fugitive-type emission sources subject only to an opacity emission standard).
  - (iii) The owner or operator of an affected source to which an opacity or visible emission standard in this part applies shall conduct opacity or visible emission observations in accordance with the provisions of this section, record the results of the evaluation of emissions, and report to the Administrator the opacity or visible emission results in accordance with the provisions of §63.10(d).
  - (iv) [Reserved]
  - (v) Opacity readings of portions of plumes that contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity emission standards.
- (6) *Availability of records.* The owner or operator of an affected source shall make available, upon request by the Administrator, such records that the Administrator deems necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification.
- (7) *Use of a continuous opacity monitoring system.*
- (i) The owner or operator of an affected source required to use a continuous opacity monitoring system (COMS) shall record the monitoring data produced during a performance test required under §63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of §63.10(e)(4).
  - (ii) Whenever an opacity emission test method has not been specified in an applicable subpart, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see appendix A of part 60 of this chapter), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under §63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under §63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under §63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under §63.7(b) of the date the subsequent performance test is scheduled to begin.
  - (iii) For the purposes of determining compliance with the opacity emission standard during a performance test required under §63.7 using COMS data, the COMS data shall be reduced to 6-minute averages over the duration of the mass emission performance test.
  - (iv) The owner or operator of an affected source using a COMS for compliance purposes is responsible for demonstrating that he/she has complied with the performance evaluation requirements of §63.8(e), that the COMS has been properly maintained, operated, and data quality-assured, as specified in §63.8(c) and §63.8(d), and that the resulting data have not been altered in any way.
  - (v) Except as provided in paragraph (h)(7)(ii) of this section, the results of continuous monitoring by a COMS that indicate that the opacity at the time visual observations were made was not in excess of the emission standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the affected source proves that, at the time of the alleged violation, the instrument used was properly maintained, as specified in §63.8(c), and met Performance Specification 1 in appendix B of part 60 of this chapter, and that the resulting data have not been altered in any way.



- (8) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with an opacity or visible emission standard upon obtaining all the compliance information required by the relevant standard (including the written reports of the results of the performance tests required by §63.7, the results of Test Method 9 or another required opacity or visible emission test method, the observer certification required by paragraph (h)(6) of this section, and the continuous opacity monitoring system results, whichever is/are applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.
- (9) *Adjustment to an opacity emission standard.*
- (i) If the Administrator finds under paragraph (h)(8) of this section that an affected source is in compliance with all relevant standards for which initial performance tests were conducted under §63.7, but during the time such performance tests were conducted fails to meet any relevant opacity emission standard, the owner or operator of such source may petition the Administrator to make appropriate adjustment to the opacity emission standard for the affected source. Until the Administrator notifies the owner or operator of the appropriate adjustment, the relevant opacity emission standard remains applicable.
  - (ii) The Administrator may grant such a petition upon a demonstration by the owner or operator that—
    - (A) The affected source and its associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance tests;
    - (B) The performance tests were performed under the conditions established by the Administrator; and
    - (C) The affected source and its associated air pollution control equipment were incapable of being adjusted or operated to meet the relevant opacity emission standard.
  - (iii) The Administrator will establish an adjusted opacity emission standard for the affected source meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity emission standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity emission standard in the Federal Register.
  - (iv) After the Administrator promulgates an adjusted opacity emission standard for an affected source, the owner or operator of such source shall be subject to the new opacity emission standard, and the new opacity emission standard shall apply to such source during any subsequent performance tests.
- (i) *Extension of compliance with emission standards.*
- (1) Until an extension of compliance has been granted by the Administrator (or a State with an approved permit program) under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with all applicable requirements of this part.
  - (2) *Extension of compliance for early reductions and other reductions ---*
    - (i) *Early reductions.* Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of subpart D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in subpart D.
    - (ii) *Other reductions.* Pursuant to section 112(i)(6) of the Act, if the owner or operator of an existing source has installed best available control technology (BACT) (as defined in section 169(3) of the Act) or technology required to meet a lowest achievable emission rate (LAER) (as defined in section 171 of the Act) prior to the promulgation of an emission standard in this part applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to the BACT or LAER installation, the Administrator will grant the owner or operator an extension of compliance with such emission standard that will apply until the date 5 years after the date on which such installation was achieved, as determined by the Administrator.
  - (3) *Request for extension of compliance.* Paragraphs (i)(4) through (i)(7) of this section concern requests for an extension of compliance with a relevant standard under this part (except requests for an extension of compliance under paragraph (i)(2)(i) of this section will be handled through procedures specified in subpart D of this part).
  - (4)

- (i)
- (A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.
- (B) Any request under this paragraph for an extension of compliance with a relevant standard must be submitted in writing to the appropriate authority no later than 120 days prior to the affected source's compliance date (as specified in paragraphs (b) and (c) of this section), except as provided for in paragraph (i)(4)(i)(C) of this section. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the date of denial. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.
- (C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B) of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator. This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.
- (ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph must be submitted in writing to the Administrator not later than 90 calendar days after the effective date of the relevant standard.
- (5) The owner or operator of an existing source that has installed BACT or technology required to meet LAER [as specified in paragraph (i)(2)(ii) of this section] prior to the promulgation of a relevant emission standard in this part may request that the Administrator grant an extension allowing the source 5 years from the date on which such installation was achieved, as determined by the Administrator, to comply with the standard. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 120 days after the promulgation date of the standard. The Administrator may grant such an extension if he or she finds that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.
- (6)
- (i) The request for a compliance extension under paragraph (i)(4) of this section shall include the following information:
- (A) A description of the controls to be installed to comply with the standard;
- (B) A compliance schedule, including the date by which each step toward compliance will be reached. At a minimum, the list of dates shall include:

- ( 1 )The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated; and
  - ( 2 )The date by which final compliance is to be achieved.
  - ( 3 )The date by which on-site construction, installation of emission control equipment, or a process change is to be completed; and
  - ( 4 )The date by which final compliance is to be achieved;
- (C)—(D)
- (ii) The request for a compliance extension under paragraph (i)(5) of this section shall include all information needed to demonstrate to the Administrator's satisfaction that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.
- (7) Advice on requesting an extension of compliance may be obtained from the Administrator (or the State with an approved permit program).
  - (8) *Approval of request for extension of compliance.* Paragraphs (i)(9) through (i)(14) of this section concern approval of an extension of compliance requested under paragraphs (i)(4) through (i)(6) of this section.
  - (9) Based on the information provided in any request made under paragraphs (i)(4) through (i)(6) of this section, or other information, the Administrator (or the State with an approved permit program) may grant an extension of compliance with an emission standard, as specified in paragraphs (i)(4) and (i)(5) of this section.
  - (10) The extension will be in writing and will—
    - (i) Identify each affected source covered by the extension;
    - (ii) Specify the termination date of the extension;
    - (iii) Specify the dates by which steps toward compliance are to be taken, if appropriate;
    - (iv) Specify other applicable requirements to which the compliance extension applies (e.g., performance tests); and
    - (v)
      - (A) Under paragraph (i)(4), specify any additional conditions that the Administrator (or the State) deems necessary to assure installation of the necessary controls and protection of the health of persons during the extension period; or
      - (B) Under paragraph (i)(5), specify any additional conditions that the Administrator deems necessary to assure the proper operation and maintenance of the installed controls during the extension period.
  - (11) The owner or operator of an existing source that has been granted an extension of compliance under paragraph (i)(10) of this section may be required to submit to the Administrator (or the State with an approved permit program) progress reports indicating whether the steps toward compliance outlined in the compliance schedule have been reached. The contents of the progress reports and the dates by which they shall be submitted will be specified in the written extension of compliance granted under paragraph (i)(10) of this section.
  - (12)
    - (i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete.
    - (ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

- (iii) Before denying any request for an extension of compliance, the Administrator (or the State with an approved permit program) will notify the owner or operator in writing of the Administrator's (or the State's) intention to issue the denial, together with—
    - (A) Notice of the information and findings on which the intended denial is based; and
    - (B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator (or the State) before further action on the request.
  - (iv) The Administrator's final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.
- (13)
- (i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(ii) of this section. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 15 calendar days after receipt of the original application and within 15 calendar days after receipt of any supplementary information that is submitted.
  - (ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 15 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.
  - (iii) Before denying any request for an extension of compliance, the Administrator will notify the owner or operator in writing of the Administrator's intention to issue the denial, together with—
    - (A) Notice of the information and findings on which the intended denial is based; and
    - (B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator before further action on the request.
  - (iv) A final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.
- (14) The Administrator (or the State with an approved permit program) may terminate an extension of compliance at an earlier date than specified if any specification under paragraph (i)(10)(iii) or (iv) of this section is not met. Upon a determination to terminate, the Administrator will notify, in writing, the owner or operator of the Administrator's determination to terminate, together with:
- (i) Notice of the reason for termination; and
  - (ii) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the determination to terminate, additional information or arguments to the Administrator before further action on the termination.
  - (iii) A final determination to terminate an extension of compliance will be in writing and will set forth the specific grounds on which the termination is based. The final determination will be made within 30 calendar days after presentation of additional information or arguments, or within 30 calendar days after the final date specified for the presentation if no presentation is made.
- (15) [Reserved]
- (16) The granting of an extension under this section shall not abrogate the Administrator's authority under section 114 of the Act.

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16599, Apr. 5, 2002; 68 FR 32600, May 30, 2003; 71 FR 20454, Apr. 20, 2006]

**§ 63.7 Performance testing requirements.**

(a) *Applicability and performance test dates.*

- (1) The applicability of this section is set out in §63.1(a)(4).
- (2) Except as provided in paragraph (a)(4) of this section, if required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for such source.
  - (i)–(viii) [Reserved]
  - (ix) Except as provided in paragraph (a)(4) of this section, when an emission standard promulgated under this part is more stringent than the standard proposed (see §63.6(b)(3)), the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.
- (3) The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by section 114 of the Act.
- (4) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure:
  - (i) The owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline specified in paragraph (a)(2) or (a)(3) of this section, or elsewhere in this part, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.
  - (ii) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure occurs.
  - (iii) The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Administrator. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.
  - (iv) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(4)(i), (a)(4)(ii), and (a)(4)(iii) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.

(b) *Notification of performance test.*

- (1) The owner or operator of an affected source must notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin to

allow the Administrator, upon request, to review and 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.
- (ii) Neither the submission of a site-specific test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—
- (A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or
- (B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.
- (4)
- (i) *Performance test method audit program.* The owner or operator must analyze performance audit (PA) samples during each performance test. The owner or operator must request performance audit materials 30 days prior to the test date. Audit materials including cylinder audit gases may be obtained by contacting the appropriate EPA Regional Office or the responsible enforcement authority.
- (ii) The Administrator will have sole discretion to require any subsequent remedial actions of the owner or operator based on the PA results.
- (iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.
- (d) *Performance testing facilities.* If required to do performance testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source, shall provide performance testing facilities as follows:
- (1) Sampling ports adequate for test methods applicable to such source. This includes:
- (i) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures; and
- (ii) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;
- (2) Safe sampling platform(s);
- (3) Safe access to sampling platform(s);
- (4) Utilities for sampling and testing equipment; and
- (5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.
- (e) *Conduct of performance tests.*
- (1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under §63.6(e). Upon

request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

- (2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator—
    - (i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in §63.90(a)). Such changes may be approved in conjunction with approval of the site-specific test plan (see paragraph (c) of this section); or
    - (ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or
    - (iii) Approves shorter sampling times or smaller sample volumes when necessitated by process variables or other factors; or
    - (iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.
  - (3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that—
    - (i) A sample is accidentally lost after the testing team leaves the site; or
    - (ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or
    - (iii) Extreme meteorological conditions occur; or
    - (iv) Other circumstances occur that are beyond the owner or operator's control.
  - (4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
- (f) *Use of an alternative test method*—
- (1) *General.* Until authorized to use an intermediate or major change or alternative to a test method, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.
  - (2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator—
    - (i) Notifies the Administrator of his or her intention to use an alternative test method at least 60 days before the performance test is scheduled to begin;
    - (ii) Uses Method 301 in appendix A of this part to validate the alternative test method. This may include the use of specific procedures of Method 301 if use of such procedures are sufficient to validate the alternative test method; and
    - (iii) Submits the results of the Method 301 validation process along with 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.

[59 FR 12430, Mar. 16, 1994, as amended at 65 FR 62215, Oct. 17, 2000; 67 FR 16602, Apr. 5, 2002; 72 FR 27443, May 16, 2007]

**§ 63.8 Monitoring requirements.**

(a) *Applicability.*

- (1) The applicability of this section is set out in §63.1(a)(4).
- (2) For the purposes of this part, all CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.
- (3) [Reserved]
- (4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in §63.11.

(b) *Conduct of monitoring.*

- (1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator—
  - (i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures (see §63.90(a) for definition); or
  - (ii) Approves the use of an intermediate or major change or alternative to any monitoring requirements or procedures (see §63.90(a) for definition).
  - (iii) Owners or operators with flares subject to §63.11(b) are not subject to the requirements of this section unless otherwise specified in the relevant standard.
- (2)
  - (i) When the emissions from two or more affected sources are combined before being released to the atmosphere, the owner or operator may install an applicable CMS for each emission stream or for the combined emissions streams, provided the monitoring is sufficient to demonstrate compliance with the relevant standard.
  - (ii) If the relevant standard is a mass emission standard and the emissions from one affected source are released to the atmosphere through more than one point, the owner or operator must install an applicable CMS at each emission point unless the installation of fewer systems is—
    - (A) Approved by the Administrator; or
    - (B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

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

(c) *Operation and maintenance of continuous monitoring systems.*

- (1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.
- (i) The owner or operator of an affected source must maintain and operate each CMS as specified in §63.6(e)(1).
  - (ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.
  - (iii) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan for CMS as specified in §63.6(e)(3).
- (2)
- (i) All CMS must be installed such that representative measures of emissions or process parameters from the affected source are obtained. In addition, CEMS must be located according to procedures contained in the applicable performance specification(s).
  - (ii) Unless the individual subpart states otherwise, the owner or operator must ensure the read out (that portion of the CMS that provides a visual display or record), or other indication of operation, from any CMS required for compliance with the emission standard is readily accessible on site for operational control or inspection by the operator of the equipment.
- (3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under §63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.
- (4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:
- (i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
  - (ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- (5) Unless otherwise approved by the Administrator, minimum procedures for COMS shall include a method for producing a simulated zero opacity condition and an upscale (high-level) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of all the analyzer's internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity.
- (6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must

be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

(7)

(i) A CMS is out of control if—

- (A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or
- (B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or
- (C) The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.

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

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

(d) *Quality control program.*

- (1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.
- (2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:
  - (i) Initial and any subsequent calibration of the CMS;
  - (ii) Determination and adjustment of the calibration drift of the CMS;
  - (iii) Preventive maintenance of the CMS, including spare parts inventory;
  - (iv) Data recording, calculations, and reporting;
  - (v) Accuracy audit procedures, including sampling and analysis methods; and
  - (vi) Program of corrective action for a malfunctioning CMS.
- (3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

(e) *Performance evaluation of continuous monitoring systems —*

- (1) *General.* When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.
- (2) *Notification of performance evaluation.* The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under §63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.
- (3)
  - (i) *Submission of site-specific performance evaluation test plan.* Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.
  - (ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.
  - (iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).
  - (iv) The Administrator may request additional relevant information after the submittal of a site-specific performance evaluation test plan.
  - (v) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in §63.7(c)(3), the following conditions shall apply:
    - (A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the relevant standard, the owner or operator shall conduct the performance evaluation within the time specified in this subpart using the specified method(s);
    - (B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Administrator approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance evaluation as required in this section (without the Administrator's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.
  - (vi) Neither the submission of a site-specific performance evaluation test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—
    - (A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or
    - (B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.
- (4) *Conduct of performance evaluation and performance evaluation dates.* The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under §63.7 in

accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under §63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before the performance test required under §63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under §63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in §63.7(a), or as otherwise specified in the relevant standard.

(5) *Reporting performance evaluation results.*

- (i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation simultaneously with the results of the performance test required under §63.7 or within 60 days of completion of the performance evaluation if no test is required, unless otherwise specified in a relevant standard. The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.
- (ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under §63.7 is conducted.

(f) *Use of an alternative monitoring method. —*

- (1) *General.* Until permission to use an alternative monitoring procedure (minor, intermediate, or major changes; see definition in §63.90(a)) has been granted by the Administrator under this paragraph (f)(1), the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.
- (2) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring methods or procedures of this part including, but not limited to, the following:
  - (i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;
  - (ii) Alternative monitoring requirements when the affected source is infrequently operated;
  - (iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;
  - (iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;
  - (v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;
  - (vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;
  - (vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;
  - (viii) Alternative CMS that do not meet the design or performance requirements in this part, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The Administrator may require that such demonstration be performed for each affected source; or
  - (ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.
- (3) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the Administrator may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.

- (4)
- (i) *Request to use alternative monitoring procedure.* An owner or operator who wishes to use an alternative monitoring procedure must submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section. The application may be submitted at any time provided that the monitoring procedure is not the performance test method used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring procedure will serve as the performance test method that is to be used to demonstrate compliance with a relevant standard, the application must be submitted at least 60 days before the performance evaluation is scheduled to begin and must meet the requirements for an alternative test method under §63.7(f).
  - (ii) The application must contain a description of the proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in §63.2 and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application must include information justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.
  - (iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (f)(4)(i) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this section or the relevant standard.
  - (iv) Application for minor changes to monitoring procedures, as specified in paragraph (b)(1) of this section, may be made in the site-specific performance evaluation plan.
- (5) *Approval of request to use alternative monitoring procedure.*
- (i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. If a request for a minor change is made in conjunction with site-specific performance evaluation plan, then approval of the plan will constitute approval of the minor change. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with—
    - (A) Notice of the information and findings on which the intended disapproval is based; and
    - (B) Notice of opportunity for the owner or operator to present additional information to the Administrator before final action on the request. At the time the Administrator notifies the applicant of his or her intention to disapprove the request, the Administrator will specify how much time the owner or operator will have after being notified of the intended disapproval to submit the additional information.
  - (ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.
  - (iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by §63.8(f).
- (6) *Alternative to the relative accuracy test.* An alternative to the relative accuracy test for CEMS specified in a relevant standard may be requested as follows:
- (i) *Criteria for approval of alternative procedures.* An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in §63.7, or other tests performed following the criteria in §63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

- (ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.
- (iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

(g) *Reduction of monitoring data.*

- (1) The owner or operator of each CMS must reduce the monitoring data as specified in paragraphs (g)(1) through (5) of this section.
- (2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in §63.2.
- (3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O<sub>2</sub> 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.

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**§ 63.9 Notification requirements.**

(a) *Applicability and general information.*

- (1) The applicability of this section is set out in §63.1(a)(4).
- (2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.



- (3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.
- (4)
- (i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).
  - (ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.
- (b) *Initial notifications.*
- (1)
- (i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.
  - (ii) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.
  - (iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under §63.5(d) of this subpart, if relevant, to fulfill the initial notification requirements of this paragraph.
- (2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:
- (i) The name and address of the owner or operator;
  - (ii) The address (i.e., physical location) of the affected source;
  - (iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;
  - (iv) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and
  - (v) A statement of whether the affected source is a major source or an area source.
- (3) [Reserved]
- (4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under §63.5(d) must provide the following information in writing to the Administrator:
- (i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i); and
  - (ii)–(iv) [Reserved]
  - (v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

- (5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under §63.5(d) must provide the following information in writing to the Administrator:
- (i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and
  - (ii) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.
  - (iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in §63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i).
- (c) *Request for extension of compliance.* If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with §63.6(i)(5) of this subpart, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in §63.6(i)(4) through §63.6(i)(6).
- (d) *Notification that source is subject to special compliance requirements.* An owner or operator of a new source that is subject to special compliance requirements as specified in §63.6(b)(3) and §63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.
- (e) *Notification of performance test.* The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under §63.7(c), if requested by the Administrator, and to have an observer present during the test.
- (f) *Notification of opacity and visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in §63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.
- (g) *Additional notification requirements for sources with continuous monitoring systems.* The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:
- (1) A notification of the date the CMS performance evaluation under §63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under §63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under §63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;
  - (2) A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test required by §63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by §63.6(h)(7)(ii), if compliance with an opacity emission standard is required for the source by a relevant standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and
  - (3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by §63.8(f)(6), has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.
- (h) *Notification of compliance status.*
- (1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.
  - (2)

- (i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list—
  - (A) The methods that were used to determine compliance;
  - (B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;
  - (C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;
  - (D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;
  - (E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);
  - (F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and
  - (G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.
- (ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.
- (3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.
- (4) [Reserved]
- (5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in §63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of §63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.
- (6) Advice on a notification of compliance status may be obtained from the Administrator.
- (i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.*
  - (1)
    - (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

- (ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
- (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.
- (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
- (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.
- (j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

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

**§ 63.10 Recordkeeping and reporting requirements.**

(a) *Applicability and general information.*

- (1) The applicability of this section is set out in §63.1(a)(4).
- (2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.
- (3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.
- (4)
  - (i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).
  - (ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion. *{Note: Region 4 EPA policy requires only a copy of the transmittal letter that is used to transmit each report to the proper District or Local office, in lieu of the actual report itself, unless a source is required to do so by other means.}*
- (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 record keeping requirements.*
- (1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.
- (2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of—
- (i) The occurrence and duration of each startup or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;
- (ii) The occurrence and duration of each malfunction of operation (i.e., process equipment) or the required air pollution control and monitoring equipment;
- (iii) All required maintenance performed on the air pollution control and monitoring equipment;
- (iv)
- (A) Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)); or
- (B) Actions taken during periods of malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3));
- (v) All information necessary, including actions taken, to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);
- (vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);
- (vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

- (A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
  - (B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.
  - (C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.
- (viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;
  - (ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;
  - (x) All CMS calibration checks;
  - (xi) All adjustments and maintenance performed on CMS;
  - (xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;
  - (xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under §63.8(f)(6); and
  - (xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.
- (3) *Recordkeeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under §63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.
- (c) *Additional recordkeeping requirements for sources with continuous monitoring systems.* In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of—

- (1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);
- (2)–(4) [Reserved]
- (5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;
- (6) The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(7);
- (7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;
- (8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;
- (9) [Reserved]
- (10) The nature and cause of any malfunction (if known);
- (11) The corrective action taken or preventive measures adopted;
- (12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;
- (13) The total process operating time during the reporting period; and
- (14) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).
- (15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in §63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) *General reporting requirements.*

- (1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, and except as provided in §63.16, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).
- (2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under §63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h).
- (3) *Reporting results of opacity or visible emission observations.* The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under §63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under §63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.
- (4) *Progress reports.* The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under §63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.
- (5)

- (i) *Periodic startup, shutdown, and malfunction reports.* If actions taken by an owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan (see §63.6(e)(3)), the owner or operator shall state such information in a startup, shutdown, and malfunction report. Actions taken to minimize emissions during such startups, shutdowns, and malfunctions shall be summarized in the report and may be done in checklist form; if actions taken are the same for each event, only one checklist is necessary. Such a report shall also include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. Reports shall only be required if a startup or shutdown caused the source to exceed any applicable emission limitation in the relevant emission standards, or if a malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.
  - (ii) *Immediate startup, shutdown, and malfunction reports.* Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup or shutdown that caused the source to exceed any applicable emission limitation in the relevant emission standards, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph (d)(5)(ii) shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred (or could have occurred in the case of malfunctions), and actions taken to minimize emissions in conformance with §63.6(e)(1)(i). Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph (d)(5)(ii) are specified in §63.9(i).
- (e) *Additional reporting requirements for sources with continuous monitoring systems —*
- (1) *General.* When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.
  - (2) *Reporting results of continuous monitoring system performance evaluations.*
    - (i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under §63.8(e), simultaneously with the results of the performance test required under §63.7, unless otherwise specified in the relevant standard.
    - (ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon



request, three copies of a written report of the results of the COMS performance evaluation conducted under §63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under §63.7 is conducted.

(3) *Excess emissions and continuous monitoring system performance report and summary report.*

- (i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when—
  - (A) More frequent reporting is specifically required by a relevant standard;
  - (B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or
  - (C) [Reserved]
  - (D) The affected source is complying with the Performance Track Provisions of §63.16, which allows less frequent reporting.
- (ii) *Request to reduce frequency of excess emissions and continuous monitoring system performance reports.* Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:
  - (A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;
  - (B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and
  - (C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.
- (iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.
- (iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.
- (v) *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information

required in paragraphs (c)(5) through (c)(13) of this section, in §63.8(c)(7) and §63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

- (vi) *Summary report.* As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report—Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:
- (A) The company name and address of the affected source;
  - (B) An identification of each hazardous air pollutant monitored at the affected source;
  - (C) The beginning and ending dates of the reporting period;
  - (D) A brief description of the process units;
  - (E) The emission and operating parameter limitations specified in the relevant standard(s);
  - (F) The monitoring equipment manufacturer(s) and model number(s);
  - (G) The date of the latest CMS certification or audit;
  - (H) The total operating time of the affected source during the reporting period;
  - (I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;
  - (J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;
  - (K) A description of any changes in CMS, processes, or controls since the last reporting period;
  - (L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and
  - (M) The date of the report.
- (vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.
- (viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.
- (4) *Reporting continuous opacity monitoring system data produced during a performance test.* The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under §63.7 and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in paragraph (d)(2) of this section.

(f) *Waiver of recordkeeping or reporting requirements.*

- (1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.
- (2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.
- (3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under §63.6(i), any required compliance progress report or compliance status report required under this part (such as under §63.6(i) and §63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.
- (4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she—
  - (i) Approves or denies an extension of compliance; or
  - (ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or
  - (iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.
- (5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.
- (6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

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**§ 63.11 Control device requirements.**

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

(b) *Flares.*

- (1) Owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.
- (2) Flares shall be steam-assisted, air-assisted, or non-assisted.
- (3) Flares shall be operated at all times when emissions may be vented to them.
- (4) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.
- (5) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
- (6) An owner/operator has the choice of adhering to the heat content specifications in paragraph (b)(6)(ii) of this section, and the maximum tip velocity specifications in paragraph (b)(7) or (b)(8) of this section, or adhering to the requirements in paragraph (b)(6)(i) of this section.
  - (i)

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

$$V_{max} = (X_{H_2} - K_1) * K_2$$

Where:

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

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

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

$X_{H_2}$  = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in §63.14).

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

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

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

Where:

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

$K$  = Constant=

$$1.740 \times 10^{-7} \left( \frac{1}{ppmv} \right) \left( \frac{\text{g-mole}}{\text{scm}} \right) \left( \frac{\text{MJ}}{\text{kcal}} \right)$$

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

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

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

$n$  = Number of sample components.

(7)

- (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow rate of gas being combusted (in units of emission standard temperature and pressure), as determined by Test Method 2, 2A, 2C, or 2D in appendix A to 40 CFR part 60 of this chapter, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.
- (ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec), are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).
- (iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, less than the velocity  $V_{max}$ , as determined by the method

specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity,  $V_{max}$ , for flares complying with this paragraph shall be determined by the following equation:

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

Where:

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

28.8 = Constant.

31.7 = Constant.

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

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

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

Where:

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

8.71 = Constant.

0.708 = Constant.

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

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

**§ 63.12 State authority and delegations.**

- (a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from—
  - (1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;
  - (2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or
  - (3) Requiring emission reductions in excess of those specified in subpart D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.
- (b)
  - (1) Section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.
  - (2) Subpart E of this part establishes procedures consistent with section 112(l) for the approval of State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. Subpart E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.
- (c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

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

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

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, J.F.K. Federal Building, Boston, MA 02203-2211.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 26 Federal Plaza, New York, NY 10278.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303-3104.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Division, 999 18th Street, 1 Denver Place, Suite 500, Denver, CO 80202-2405.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, WA 98101.

- (b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.
- (c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.

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

**§ 63.14 Incorporations by reference.**

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

*[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html)*

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

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

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

- (3) ASTM D1331–89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Appendix A: Method 306B, Sections 6.2, 11.1, and 12.2.2.
- (4) ASTM D1475–90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for §63.788, Appendix A.
- (5) ASTM D1946–77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for §63.11(b)(6).
- (6) ASTM D2369–93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for §63.788, Appendix A.
- (7) ASTM D2382–76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for §63.11(b)(6).
- (8) ASTM D2879–83, 96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for §63.111 and §63.2406.
- (9) ASTM D3257–93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for §63.786(b).
- (10) ASTM 3695–88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for §63.365(e)(1) of Subpart O.
- (11) ASTM D3792–91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for §63.788, Appendix A.
- (12) ASTM D3912–80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §63.782.
- (13) ASTM D4017–90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for §63.788, Appendix A.
- (14) ASTM D4082–89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants, IBR approved for §63.782.
- (15) ASTM D4256–89, 94, Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §63.782.
- (16) ASTM D4809–95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for §63.11(b)(6).
- (17) ASTM E180–93, Standard Practice for Determining the Precision of ASTM Methods for Analysis and Testing of Industrial Chemicals, IBR approved for §63.786(b).
- (18) ASTM E260–91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§63.750(b)(2) and 63.786(b)(5).
- (19)–(20) [Reserved]
- (21) ASTM D2099–00, Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester, IBR approved for §63.5350.
- (22)–(23) [Reserved]
- (24) ASTM D2697–86 (Reapproved 1998), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings,” IBR approved for §§63.3161(f)(1), 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).
- (25) ASTM D6093–97 (Reapproved 2003), “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer,” IBR approved for §§63.3161(f)(1), 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).
- (26) ASTM D1475–98 (Reapproved 2003), “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products,” IBR approved for §§63.3151(b), 63.3941(b)(4), 63.3941(c), 63.3951(c), 63.4141(b)(3), 63.4141(c), and 63.4551(c).

- (27) ASTM D6522–00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers,<sup>1</sup> IBR approved for §63.9307(c)(2), Table 4 of Subpart ZZZZ, and Table 5 to Subpart DDDDD of this part.
- (28) ASTM D6420–99 (Reapproved 2004), Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§63.772(a)(1)(ii), 63.2354(b)(3)(i), 63.2354(b)(3)(ii), 63.2354(b)(3)(ii)(A), and 63.2351(b)(3)(ii)(B).
- (29) ASTM D6420–99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§63.5799 and 63.5850.
- (30) ASTM E 515–95 (Reapproved 2000), Standard Test Method for Leaks Using Bubble Emission Techniques, IBR approved for §63.425(i)(2).
- (31) ASTM D5291–02, Standard Test Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Petroleum Products and Lubricants, IBR approved for §63.3981, appendix A.
- (32) ASTM D5965–02, “Standard Test Methods for Specific Gravity of Coating Powders,” IBR approved for §§63.3151(b) and 63.3951(c).
- (33) ASTM D6053–00, Standard Test Method for Determination of Volatile Organic Compound (VOC) Content of Electrical Insulating Varnishes, IBR approved for §63.3981, appendix A.
- (34) E145–94 (Reapproved 2001), Standard Specification for Gravity-Convection and Forced-Ventilation Ovens, IBR approved for §63.4581, Appendix A.
- (35) ASTM D6784–02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method),<sup>1</sup> IBR approved for Table 5 to Subpart DDDDD of this part.
- (36) ASTM D5066–91 (Reapproved 2001), “Standard Test Method for Determination of the Transfer Efficiency Under Production Conditions for Spray Application of Automotive Paints-Weight Basis,” IBR approved for §63.3161(g).
- (37) ASTM D5087–02, “Standard Test Method for Determining Amount of Volatile Organic Compound (VOC) Released from Solventborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement),” IBR approved for §§63.3165(e) and 63.3176, appendix A.
- (38) ASTM D6266–00a, “Test Method for Determining the Amount of Volatile Organic Compound (VOC) Released from Waterborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement),” IBR approved for §63.3165(e).
- (39) ASTM Method D388–99,<sup>1</sup> Standard Classification of Coals by Rank,<sup>1</sup> IBR approved for §63.7575.
- (40) ASTM D396–02a, Standard Specification for Fuel Oils,<sup>1</sup> IBR approved for §63.7575.
- (41) ASTM D1835–03a, Standard Specification for Liquefied Petroleum (LP) Gases,<sup>1</sup> IBR approved for §63.7575.
- (42) ASTM D2013–01, Standard Practice for Preparing Coal Samples for Analysis,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (43) ASTM D2234–00,<sup>1</sup> Standard Practice for Collection of a Gross Sample of Coal,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (44) ASTM D3173–02, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (45) ASTM D3683–94 (Reapproved 2000), Standard Test Method for Trace Elements in Coal and Coke Ash Absorption,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (46) ASTM D3684–01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (47) ASTM D5198–92 (Reapproved 2003), Standard Practice for Nitric Acid Digestion of Solid Waste,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (48) ASTM D5865–03a, Standard Test Method for Gross Calorific Value of Coal and Coke,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.



- (49) ASTM D6323-98 (Reapproved 2003), Standard Guide for Laboratory Subsampling of Media Related to Waste Management Activities,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (50) ASTM E711-87 (Reapproved 1996), Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (51) ASTM E776-87 (Reapproved 1996), Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (52) ASTM E871-82 (Reapproved 1998), Standard Method of Moisture Analysis of Particulate Wood Fuels,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part.
- (53) ASTM E885-88 (Reapproved 1996), Standard Test Methods for Analyses of Metals in Refuse-Derived Fuel by Atomic Absorption Spectroscopy,<sup>1</sup> IBR approved for Table 6 to Subpart DDDDD of this part 63.
- (54) ASTM D6348-03, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, incorporation by reference (IBR) approved for Table 4 to Subpart DDDD of this part as specified in the subpart.
- (55) ASTM D2013-04, Standard Practice for Preparing Coal Samples for Analysis, IBR approved for Table 6 to subpart DDDDD of this part.
- (56) ASTM D2234-D2234M-03, Standard Practice for Collection of a Gross Sample of Coal, IBR approved for Table 6 to subpart DDDDD of this part.
- (57) ASTM D6721-01, Standard Test Method for Determination of Chlorine in Coal by Oxidative Hydrolysis Microcoulometry, IBR approved for Table 6 to subpart DDDDD of this part.
- (58) ASTM D3173-03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved for Table 6 to subpart DDDDD of this part.
- (59) ASTM D4606-03, Standard Test Method for Determination of Arsenic and Selenium in Coal by the Hydride Generation/Atomic Absorption Method, IBR approved for Table 6 to subpart DDDDD of this part.
- (60) ASTM D6357-04, Standard Test Methods for Determination of Trace Elements in Coal, Coke, and Combustion Residues from Coal Utilization Processes by Inductively Coupled Plasma Atomic Emission Spectrometry, Inductively Coupled Plasma Mass Spectrometry, and Graphite Furnace Atomic Absorption Spectrometry, IBR approved for Table 6 to subpart DDDDD of this part.
- (61) ASTM D6722-01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by the Direct Combustion Analysis, IBR approved for Table 6 to subpart DDDDD of this part.
- (62) ASTM D5865-04, Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for Table 6 to subpart DDDDD of this part.
- (c) The materials listed below are available for purchase from the American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.
- (1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for §63.111 and §63.2406.
- (2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for §63.150(g)(3)(i)(C) of subpart G of this part.
- (3) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2, Evaporative Loss From Floating-Roof Tanks (formerly API Publications 2517 and 2519), First Edition, April 1997, IBR approved for §63.1251 of subpart GGG of this part.
- (d) *State and Local Requirements.* The materials listed below are available at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC.
- (1) *California Regulatory Requirements Applicable to the Air Toxics Program*, January 5, 1999, IBR approved for §63.99(a)(5)(ii) of subpart E of this part.
- (2) *New Jersey's Toxic Catastrophe Prevention Act Program*, (July 20, 1998), Incorporation By Reference approved for §63.99 (a)(30)(i) of subpart E of this part.
- (3)

- (i) Letter of June 7, 1999 to the U.S. Environmental Protection Agency Region 3 from the Delaware Department of Natural Resources and Environmental Control requesting formal full delegation to take over primary responsibility for implementation and enforcement of the Chemical Accident Prevention Program under Section 112(r) of the Clean Air Act Amendments of 1990.
  - (ii) Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Accidental Release Prevention Regulation, sections 1 through 5 and sections 7 through 14, effective January 11, 1999, IBR approved for §63.99(a)(8)(i) of subpart E of this part.
  - (iii) State of Delaware Regulations Governing the Control of Air Pollution (October 2000), IBR approved for §63.99(a)(8)(ii)-(v) of subpart E of this part.
- (4) Massachusetts Regulations Applicable to Hazardous Air Pollutants (July 2002). Incorporation By Reference approved for §63.99(a)(21)(ii) of subpart E of this part.
- (5)
- (i) New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003. Incorporation by Reference approved for §63.99(a)(29)(iii) of subpart E of this part.
  - (ii) New Hampshire Regulations Applicable to Hazardous Air Pollutants, September 2006. Incorporation by Reference approved for §63.99(a)(29)(iv) of subpart E of this part.
- (6) Maine Regulations Applicable to Hazardous Air Pollutants (March 2006). Incorporation By Reference approved for §63.99(a)(19)(iii) of subpart E of this part.
- (e) The materials listed below are available for purchase from the National Institute of Standards and Technology, Springfield, VA 22161, (800) 553-6847.
- (1) Handbook 44, Specifications, 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>.
- (1) 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.
  - (2) NCASI Method CI/WP-98.01, Chilled Impinger Method For Use At Wood Products Mills to Measure Formaldehyde, Methanol, and Phenol, 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for Table 4 to Subpart DDDD of this part.
  - (3) NCASI Method IM/CAN/WP-99.02, Impinger/Canister Source Sampling Method for Selected HAPs and Other Compounds at Wood Products Facilities, January 2004, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for Table 4 to Subpart DDDD of this part.
  - (4) NCASI Method ISS/FP A105.01, Impinger Source Sampling Method for Selected Aldehydes, Ketones, and Polar Compounds, December 2005, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for table 4 to subpart DDDD 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— $P_2O_5$  or  $Ca_3(PO_4)_2$ , 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— $P_2O_5$  or  $Ca_3(PO_4)_2$ , 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— $P_2O_5$  or  $Ca_3(PO_4)_2$ , 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— $P_2O_5$ , 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— $P_2O_5$ , 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— $P_2O_5$ , Method C—Spectrophotometric Method, IBR approved for §63.606(c)(3)(ii), §63.626(c)(3)(ii), and §63.626(d)(3)(v).
- (i) The following materials are available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2900, Fairfield, NJ 07007–2900; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112.
  - (1) ANSI/ASME PTC 19.10–1981, “Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus],” IBR approved for §§63.309(k)(1)(iii), 63.865(b), 63.3166(a)(3), 63.3360(e)(1)(iii), 63.3545(a)(3), 63.3555(a)(3), 63.4166(a)(3), 63.4362(a)(3), 63.4766(a)(3), 63.4965(a)(3), 63.5160(d)(1)(iii), 63.9307(c)(2), 63.9323(a)(3), 63.11148(e)(3)(iii), 63.11155(e)(3), 63.11162(f)(3)(iii) and (f)(4), 63.11163(g)(1)(iii) and (g)(2), 63.11410(j)(1)(iii), and Table 5 of subpart DDDDD of this part.
  - (2) [Reserved]
- (j) The following material is available for purchase from: British Standards institute, 389 Chiswick High Road, London W4 4AL, United Kingdom.
  - (1) BS EN 1593:1999, Non-destructive Testing: Leak Testing—Bubble Emission Techniques, IBR approved for §63.425(i)(2).
  - (2) [Reserved]
- (k) The following materials are available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605–6000 or (800) 553–6847; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800:
  - (1) The following methods as published in the test methods compendium known as “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW–846, Third Edition. A suffix of “A” in the method number indicates revision one (the method has been revised once). A suffix of “B” in the method number indicates revision two (the method has been revised twice).

- (i) Method 0023A, "Sampling Method for Polychlorinated Dibenzo-*p*-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources," dated December 1996 and in Update III, IBR approved for §63.1208(b)(1) of Subpart EEE of this part.
- (ii) Method 9071B, "n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples," dated April 1998 and in Update IIIA, IBR approved for §63.7824(e) of Subpart FFFFF of this part.
- (iii) Method 9095A, "Paint Filter Liquids Test," dated December 1996 and in Update III, IBR approved for §§63.7700(b) and 63.7765 of Subpart EEEEE of this part.

(2) [Reserved]

[59 FR 12430, Mar. 16, 1994]

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

**§ 63.15 Availability of information and confidentiality.**

(a) *Availability of information.*

- (1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.
- (2) The availability to the public of information provided to or otherwise obtained by the Administrator under this part shall be governed by part 2 of this chapter.

(b) *Confidentiality.*

- (1) If an owner or operator is required to submit information entitled to protection from disclosure under section 114(c) of the Act, the owner or operator may submit such information separately. The requirements of section 114(c) shall apply to such information.
- (2) The contents of a title V permit shall not be entitled to protection under section 114(c) of the Act; however, information submitted as part of an application for a title V permit may be entitled to protection from disclosure.

**§ 63.16 Performance Track Provisions.**

- (a) Notwithstanding any other requirements in this part, an affected source at any major source or any area source at a Performance Track member facility, which is subject to regular periodic reporting under any subpart of this part, may submit such periodic reports at an interval that is twice the length of the regular period specified in the applicable subparts; provided, that for sources subject to permits under 40 CFR part 70 or 71 no interval so calculated for any report of the results of any required monitoring may be less frequent than once in every six months.
- (b) Notwithstanding any other requirements in this part, the modifications of reporting requirements in paragraph (c) of this section apply to any major source at a Performance Track member facility which is subject to requirements under any of the subparts of this part and which has:
  - (1) Reduced its total HAP emissions to less than 25 tons per year;
  - (2) Reduced its emissions of each individual HAP to less than 10 tons per year; and
  - (3) Reduced emissions of all HAPs covered by each MACT standard to at least the level required for full compliance with the applicable emission standard.
- (c) For affected sources at any area source at a Performance Track member facility and which meet the requirements of paragraph (b)(3) of this section, or for affected sources at any major source that meet the requirements of paragraph (b) of this section:
  - (1) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using add-on control technology, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is meeting the emission standard by continuing to use that control technology. The affected source must continue to meet all relevant monitoring and

recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

- (2) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using pollution prevention, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions to levels at or below those required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).
- (3) If the emission standard to which the affected source is subject is based on pollution prevention, and the affected source complies by using pollution prevention and reduces emissions by an additional 50 percent or greater than required by the applicable emission standard, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions by an additional 50 percent or greater than required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).
- (4) Notwithstanding the provisions of paragraphs (c)(1) through (3), of this section, for sources subject to permits under 40 CFR part 70 or 71, the results of any required monitoring and recordkeeping must be reported not less frequently than once in every six months.

[69 FR 21753, Apr. 22, 2004]