



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Hershel T. Vineyard Jr.  
Secretary

## FINAL PERMIT

### PERMITTEE

Rainey Asphalt, LLC  
4477 East CR 462  
Wildwood, FL 34785

Authorized Representative:  
Mr. Ike Rainey, Manager

Air Permit No. 1190050-004-AO  
Permit Expires: 2/16/2016  
Site Name : Wildwood Plant # 1  
Minor Air Operation Permit  
Air Operation Permit Revision

This is the final air operation permit, which authorizes the operation of a drum mix asphalt plant and a portable reclaimed asphalt pavement (RAP) crushing system. The work is conducted at the Rainey Asphalt, LLC's Wildwood Plant #1 (Standard Industrial Classification No. 2951). The facility is located in Sumter County at 4477 East CR 462 in Wildwood, Florida. The UTM coordinates are Zone 17, 399.56 km East, and 3195.43 km North.

This final permit is organized by the following sections:

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Facility-Wide Common Conditions
- Section 4. Emissions Unit Specific Conditions
- Section 5. Appendices

Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 5 of this permit.

This air pollution permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of final permit. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication

of the public notice or within fourteen days of receipt of this notice of final permit, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

All petitions filed under these rules shall contain:

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

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

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

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-

3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Hillsborough County, Florida

Cindy Zhang-Torres September 26, 2011  
Cindy Zhang-Torres, P.E. Effective Date  
Air Permitting Manager  
Southwest District

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination, Final Permit and the Appendices) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 09-26-2011 to the persons listed below.

Ike Rainey, Rainey Asphalt, LLC (irainey@raineyconstruction.com)  
Sara Greivell, Grove Scientific & Engineering Company (sara@grovescientific.com)  
James T. Show, Grove Scientific & Engineering Company (jshow@cfl.rr.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.

Patricia Greivell 09-26-2011  
(Clerk) (Date)

**FACILITY AND PROJECT DESCRIPTION**

**Existing Facility**

The facility operates a stationary drum mix asphalt concrete plant manufactured by Gencor Industries and a portable reclaimed asphalt pavement (RAP) crushing system. The portable RAP crushing system may be owned by a different company and will be brought on-site from time to time to crush the RAP into a smaller size that can be used in the manufacture of new hot mix asphalt concrete.

The existing facility consists of the following emission units.

| Facility ID No. 1190050 |   |
|-------------------------|---|
| ID No.                  | Emission Unit Description                                 |
| 001                     | Drum Mix Asphalt Concrete Plant                           |
| 002                     | Portable Reclaimed Asphalt Pavement (RAP) Crushing System |

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

**Exempt Emission Units/Activities**

Hot oil heater exempt per Rule 62-210.300 (3)(a)34., F.A.C.

A 309 HP (maximum) diesel engine powers the RAP crushing system. The maximum fuel usage is 64,000 gallons of diesel fuel in a year for the diesel engine. The diesel engine is exempt per Rule 62-210.300(3)(a)35., F.A.C.

**FACILITY REGULATORY CLASSIFICATION**

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.
- This facility is a synthetic non-Title V source for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO) and hazardous air pollutants (HAPs).
- The drum mix asphalt concrete plant is regulated under New Source Performance Standards (NSPS) - 40 CFR 60, Subpart I - Standards of Performance for Hot Mix Asphalt Facilities and the general provisions of 40 CFR 60, Subpart A - General Standards, where applicable.
- This facility is regulated under Rule 62-210.300(3)(c)2., F.A.C., Conditional Exemptions from Title V Permitting.

## SECTION 1. GENERAL INFORMATION (1.1.A).

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- The portable RAP crushing system may be regulated under NSPS - 40 CFR, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants and the general provisions of 40 CFR 60, Subpart A, where applicable.
- A 309 HP (maximum) engine for the RAP crushing system. If the engine is or becomes subject to 40 CFR 60, Subpart IIII, Standards for Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 60, Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines or 40 CFR 60, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, the affected engine(s) shall comply with all limitations and requirements of that subpart.

### PERMIT HISTORY/AFFECTED PERMITS

Incorporates terms and conditions of Construction Permit 1190050-003-AC, and Revises and Replaces Operation Permit No. 1190050-002-AO.

## SECTION -- ADMINISTRATIVE REQUIREMENTS (FINAL)

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1. **Permitting Authority:** The permitting authority for this project is the Florida Department of Environmental Protection (Department), Southwest District's Air Resource Management Section. The Southwest District's mailing address and phone number is:

Florida Department of Environmental Protection  
Southwest District Office  
Air Resource Management Section  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

All documents related to applications for permits shall be submitted to the above address.

2. **Compliance Authority:** All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Southwest District Office's Air Resource Management Section (see above mailing address and phone number).
3. **Appendices:** The following Appendices are attached as part of this permit
- a. Appendix A. Citation Formats and Glossary of Common Terms;
  - b. Appendix B. General Conditions;
  - c. Appendix C. Common Conditions; and
  - d. Appendix D. Common Testing Requirements.
  - e. Appendix E. - 40 CFR 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants
  - f. Appendix F. - 40 CFR 60, Subpart A - General Provisions
  - g. Appendix G. - RAP Crushing System Flow Diagram
4. **Applicable Regulations, Forms and Application Procedures:** Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. **New or Additional Conditions:** For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time.  
[Rule 62-4.080, F.A.C.]
6. **Modifications:** Unless otherwise exempt by rule, the permittee shall not initiate any construction, reconstruction, or modification at the facility and shall not install/modify any pollution control device at the facility without obtaining prior authorization from the Department. Modification is defined as: Any physical change or changes in the method of operations or addition to a facility that would result in an increase in the actual emissions of any air pollutant subject to air regulations, including any not previously emitted, from any emission unit or facility.  
[Rules 62-210.200 - Definition of "Modification" and 62-210.300(1)(a), F.A.C.]

**SECTION 2. ADMINISTRATIVE REQUIREMENTS (FINAL)**

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7. **Rule Compliance:** A facility or emissions unit subject to any standard or requirement of 40 CFR, Part 60, 61, 63 or 65, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall comply with such standard or requirement.  
[Rule 62-296.100(3) F.A.C.]
8. **Annual Operating Report:** On or before **April 1** of each year, the permittee shall submit a completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" (AOR) for the preceding calendar year. The report may be submitted electronically in accordance with the instructions received with the AOR package sent by the Department, or a hardcopy may be sent to the Compliance Authority. The sulfur dioxide emissions from using fuel oil when producing asphalt product shall be determined using the US EPA's document AP-42, Table 1.3-1 and a reduction of 50% of the fuel bound sulfur, up to a maximum (as SO<sub>2</sub>) of 0.1 lb of sulfur dioxide for each ton of asphalt product produced. (Note: one pound of sulfur produces two pounds of SO<sub>2</sub>.)  
[Rules 62-4.070(3) and 62-210.370(3), F.A.C.]
9. **Operation Permit Renewal Application:** A completed application for renewal of the operation permit shall be submitted to the Permitting Authority no later than 60 days prior to the expiration date of the operation permit. To properly apply for an operation permit, the applicant shall submit the following:
- a. the appropriate permit application form (*see current version of Rule 62-210.900, F.A.C. (Forms and Instructions), and/or FDEP Division of Air Resource Management website at: <http://www.dep.state.fl.us/air/>*);
  - b. the appropriate operation permit application fee from Rule 62-4.050(4)(a), F.A.C.;
  - c. a copy of the emissions test report required in Specific Condition No(s). A.9., B.14., and B.16. (if not previously submitted); and
  - d. copies of the most recent two months of records/logs specified in Specific Condition No(s). A.3., A.10., B.16., B.17. (if applicable), and B.18.
- [Rules 62-4.030, 62-4.050, 62-4.070(3), 62-4.090, 62-210.300(2) and 62-210.900, F.A.C.]

## SECTION 3. FACILITY-WIDE SPECIFIC CONDITIONS (FINAL)

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1. **Fuel Type Limitations:** The facility is allowed to use the following types of fuel as ranked from the best fuel (top) to the worst fuel (bottom) for particulate matter and visible emissions testing purposes:

- a. natural gas;
- b. new No. 2 fuel oil;
- c. on-specification reclaimed fuel oil;
- d. new No. 3 fuel oil;
- e. new No. 4 fuel oil;
- f. new No. 5 fuel oil; and
- g. new No. 6 fuel oil

[Rule 62-210.200(PTE), F.A.C., Construction Permit 1190050-003-AC]

2. **Fuel Usage Limitation:** The facility, including the exempt hot oil heater and exempt engine used to power the portable RAP Crushing System, shall not consume (burn) more than 1.2 million gallons of fuel oil per any consecutive 12-month period.

[Rule 62-210.300(3)(c)2.b., F.A.C.; Construction Permit 1190050-003-AC]

3. **Fuel Usage Recordkeeping Requirements:** The permittee shall monthly record the following:

- a. Facility Name, Facility ID No. (1190050)
- b. Date: Month/Year
- c. For the exempt hot oil heater: the amount of each type of fuel oil (e.g., new No. 2 fuel oil, on-specification reclaimed fuel oil, as appropriate) consumed in gallons.
- d. For the exempt engine: the amount of each type of fuel oil (e.g., new No. 2 fuel oil, on-specification reclaimed fuel oil, as appropriate) consumed in gallons.
- e. For the asphalt concrete plant: the amount of each type of fuel (e.g., natural gas, new No. 2 fuel oil, on-specification reclaimed fuel oil, etc.) consumed in cubic feet or gallons, as appropriate.
- f. For the asphalt concrete plant: the total amount of each type of fuel (e.g., natural gas, new No. 2 fuel oil, on-specification reclaimed fuel oil, etc.) consumed for the most recent consecutive 12-month period in cubic feet and/or gallons, as appropriate.
- g. For the asphalt concrete plant: the total combined amount of all types of fuel oil consumed for the most recent consecutive 12-month period in gallons.
- h. For fuel oil, the total combined amount consumed for the exempt hot oil heater, exempt engine and asphalt concrete plant in gallons.
- i. For fuel oil, the total combined amount consumed for the exempt hot oil heater, exempt engine and asphalt concrete plant for the most recent consecutive 12-month period in gallons.

The monthly records shall be completed by the end of the following month.

[Rule 62-4.070(3), F.A.C.; Construction Permit 1190050-003-AC]

4. **Fuel Oil Sulfur Content Limitation:** The sulfur content for all fuel oils, including fuel oils consumed (burned) in the exempt hot oil heater and exempt engine, shall not exceed 1.0% by



**SECTION 3. FACILITY-WIDE SPECIFIC CONDITIONS (FINAL)**

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weight. The exempt hot oil heater may be limited to a maximum of 0.5% by weight per Rule 62-210.300(3)(a)34., F.A.C.

[Rule 62-210.300(3)(c)2.c., F.A.C.]

5. **Fuel Sulfur Content Record:** In order to document continuing compliance with the fuel oil sulfur content limitation, the permittee shall keep records on either vendor provided as-shipped analysis or on analysis of as-received samples taken at the plant. The analysis shall be determined by appropriate ASTM methods.

[Rule 62-4.070(3), F.A.C.; Construction Permit 119050-003-AC]

6. **Reclaimed Fuel Oil Specifications and Requirements:** The facility shall not burn off-specification reclaimed fuel oil. For each delivery of on-specification reclaimed fuel oil, the vendor shall provide an analysis documenting the fuel oil meets the following requirements of 40 CFR 761.20(e)(2) and (3) and 40 CFR 279.11:

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

[Rules 62-4.070(3), and 62-710.210, F.A.C.; Construction Permit 1190050-003-AC]

7. **Asbestos Containing Materials:** This facility shall **not** process Asbestos Containing Materials (ACM), whether regulated asbestos containing material (RACM), category I or category II, and whether friable or non-friable when received at the facility.
- a. "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite and includes trade acronyms products such as amosite.
  - b. "Asbestos-containing materials", ACM, means any materials which contain more than one percent asbestos as determined by Polarized Light Microscopy. Based on a representative composite sample.
  - c. "Asbestos removal project" means renovation or demolition operation in a facility that involves the removal of a threshold amount of regulated asbestos-containing material.
  - d. "Category I Nonfriable Asbestos-Containing Material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

**SECTION 3. FACILITY-WIDE SPECIFIC CONDITIONS (FINAL)**

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- e. "Category II Non-friable ACM" means any material, excluding Category I Nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

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

8. Unconfined Emissions of Particulate Matter: In addition to the conditions in Appendix C., Condition 9; the following reasonable precautions shall be followed:

- a. Paved parking and traffic areas shall be maintained and kept free of particulate matter build-up.
- b. Sprinkling with water shall be used as necessary on paved areas, unpaved areas, stockpiles, and during loading/unloading operations.

[Rule 62-296.320(4)(c), F.A.C.]

9. Unconfined Particulate Matter Opacity Requirement: In order to provide reasonable assurance that the precautions and practices taken at the plant are adequate, visible emissions of unconfined particulate matter at the plant's property line should not exceed 10% opacity. Exceedance of this limit shall not be considered a violation in and of itself, but an indication that additional control precautions and/or practices may be necessary.

[Rule 62-4.070(3), F.A.C., Construction Permit No. 1190050-003-AC]

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

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

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

**A. EU No. 001 Drum Mix Asphalt Concrete Plant**

This section of the permit addresses the following emissions unit.

| ID No. | Emission Unit Description  |
|--------|--|
| 001    | <p>This emission unit consists of a stationary drum mix asphalt concrete plant manufactured by Gencor Industries (Gencor 300 Ultraplant). The plant is allowed to produce a maximum of 300 tons/ hr., based on a daily average, and 475,000 tons per any consecutive 12-month period of asphalt concrete. The raw materials to the asphalt concrete plant may consist of recycle asphalt pavement (RAP). The plant's dryer is fired with natural gas, new No. 2 through No. 6 fuel oil, or on-specification reclaimed fuel oil at a maximum design heat input rate of 68.2 MMBTU/hr. (based on 487 gallons/hour and 140,000 BTUs/gallon) The fuel oil is limited to a maximum sulfur content of 1.0% by weight. Particulate matter emissions from the asphalt concrete plant are controlled by a Gencor Ultraflow baghouse with a design airflow rate of 42,871 acfm and 25,197 dscfm. Associated with the asphalt concrete plant is an exempt (see Section 1 above) hot oil heater, which is used to heat liquid asphalt.</p> <p>The asphalt concrete plant is subject to Rule 62-210.300(3)(c)2., F.A.C. and the requirements of 40 CFR 60, Subpart I - Standards of Performance for Hot Mix Asphalt Facilities, which is adopted by reference in Rule 62-204.800(8), F.A.C.</p> <p>The asphalt concrete plant is electrically powered, drawn from the overhead mains (not powered by a diesel generator).</p> |

**PERFORMANCE RESTRICTIONS**

A.1. Federal Regulatory Requirements: This emission unit is subject to the requirements of 40 CFR 60, Subpart I - Standards of Performance for Hot Mix Asphalt Facilities and the general provisions of 40 CFR 60, Subpart A, where applicable, which are adopted by reference in Rule 62-204.800(8), F.A.C.  
 [Rule 62-204.800(8), F.A.C.; 40 CFR 60, Subparts A and I]

A.2. Permitted Capacity: This emission unit is limited to the following operating parameters:

| Daily Average Maximum Production Rate of Hot Mix Asphalt Concrete (tons/hour) | Maximum Production of Hot Mix Asphalt Concrete (tons/any consecutive 12-month period) | Hours of Operation (hours/any consecutive 12-month period) |
|---|---|--|
| 300   | 475,000   | 8,760  |

[Rules 62-210.200 ("Potential to Emit") and 62-210.300(3)(c)2., F.A.C.; Construction Permit 1190050-003-AC]

SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)

A. EU No. 001 Drum Mix Asphalt Concrete Plant

EMISSIONS STANDARDS

- A.3. Visible Emission (VE) Limit: Visible emissions from the asphalt concrete plant's baghouse shall not be equal to or greater than 20% opacity.  
[40 CFR 60 Subpart I, 60.92(a)(2) and adopted by reference in Rule 62-204.800(8)(b), F.A.C.]
- A.4. Particulate Matter (PM) Limitation: Particulate emissions from the asphalt concrete plant's baghouse shall not exceed 0.04 grains per dry standard cubic foot averaged over a three (3) hour period.  
*(Permitting Note: Based on a design airflow rate of 25,197 dscfm and 8,760 hours/year of operation, the equivalent PM emissions are 8.64 lbs./hour and 37.84 tons/year)*  
[40 CFR 60 Subpart I, 60.92(a)(1) and adopted by reference in Rule 62-204.800(8)(b), F.A.C.]

TESTING REQUIREMENTS

- A.5. Compliance Tests: During each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>), the emissions unit shall be tested to demonstrate compliance with the emissions standards for particulate matter and visible emissions.  
[Rule 62-210.300(3)(c)2.i., F.A.C.]
- A.6. Additional Emissions Testing Requirements: The facility shall comply with the following:
- a. A compliance test submitted when the dryer is fired with a natural gas will allow the dryer to be only fired with natural gas and up to a total of 400 hours on new No. 2 fuel oil, on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil. Within 30 days of exceeding the 400<sup>th</sup> hour of firing the dryer with new No. 2 fuel oil, on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, a new compliance test shall be conducted when the dryer is fired with the worst fuel oil that was used during the 400-hour period.
  - b. A compliance test submitted when the dryer is fired with new No. 2 fuel oil will allow the dryer to be only fired with natural gas, new No. 2 fuel oil, and up to 400 hours of firing on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil. Within thirty (30) days of exceeding the 400<sup>th</sup> hour of firing the dryer with on-specification reclaimed fuel oil, new No. 3 fuel oil, No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, a new compliance test shall be conducted with the dryer being fired with the worst fuel oil that was used during the 400-hour period.
  - c. A compliance test submitted when the dryer is fired with on-specification reclaimed fuel oil will allow the dryer to be fired with natural gas, new No. 2 fuel oil, on-specification reclaimed fuel oil, and up to 400 hours of firing new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil. Within thirty (30) days of exceeding the 400<sup>th</sup> hour of firing the dryer with new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, a new compliance test shall be conducted with the dryer being fired the worst fuel oil that was used during the 400-hour period.

## SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)

### A. EU No. 001 Drum Mix Asphalt Concrete Plant

- d. A compliance test submitted when the dryer is fired with new No. 3 fuel oil will allow the dryer to be only fired with natural gas, new No. 2 fuel oil, on-specification reclaimed fuel oil, new No. 3 fuel oil, and up to 400 hours of firing new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil. Within thirty (30) days of exceeding the 400<sup>th</sup> hour of firing the dryer with new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, a new compliance test shall be conducted with the dryer being fired with the worst fuel oil that was used during the 400-hour period.
- e. A compliance test submitted when the dryer is fired with new No. 4 fuel oil will allow the dryer to be only fired with natural gas, new No. 2 fuel oil, on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, and up to 400 hours of firing new No. 5 fuel oil or new No. 6 fuel oil. Within thirty (30) days of exceeding the 400<sup>th</sup> hour of firing the dryer with new No. 5 fuel oil or new No. 6 fuel oil, a new compliance test shall be conducted with the dryer being fired with the worst fuel oil that was used during the 400-hour period.
- f. A compliance test submitted when the dryer is fired with new No. 5 fuel oil will allow the dryer to be only fired with natural gas, new No. 2, on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, and up to 400 hours of firing new No. 6 fuel oil. Within thirty (30) days of exceeding the 400<sup>th</sup> hour of firing the dryer with new No. 6 fuel oil, a new compliance test shall be conducted with the dryer being fired with new No. 6 fuel oil.
- g. A compliance test submitted when the dryer is fired with new No. 6 fuel oil will allow the dryer to be fired with natural gas, new No. 2 fuel oil, on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil.
- h. A compliance test submitted when processing RAP shall limit the plant to processing only RAP. If the plant is so limited, within thirty (30) days upon processing virgin materials (conventional hot mix asphalt), a new compliance test shall be conducted using only virgin materials.
- i. A compliance test submitted when processing only virgin materials shall also allow the plant to process RAP.

[Rules 62-4.070(3) and 62-297.310(7), F.A.C.; Construction Permit 1190050-003-AC]

- A.7. Test Requirements: Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit.  
[Rule 62-297.310, F.A.C.]

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

**A. EU No. 001 Drum Mix Asphalt Concrete Plant**

A.8. Test Method(s): Required tests shall be performed in accordance with the following reference method(s).

| Method(s) | Description of Method and Comments  |
|-----------|---|
| 1-4       | Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content |
| 5 or 5A   | Determination of Particulate Matter Emissions from Stationary Sources       |
| 9         | Visual Determination of the Opacity of Emissions from Stationary Sources    |

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

[Rules 62-210.300(3)(c)2.i., 62-204.800, and 62-297.401, F.A.C.; Appendix A of 40 CFR 60]

**RECORDS AND REPORTS**

A.9. Test Reports: The permittee shall prepare and submit reports for all required tests in accordance with the requirements specified in Appendix D (Common Testing Requirements) of this permit. All test reports shall be submitted within 45 days of testing. Include the following for the test period in the test report submittal\*:

- a. facility name, facility ID, and Emission Unit number;
- b. date;
- c. production rate of hot mix asphalt concrete in tons/hour and whether RAP is used in the mix or not;
- d. type and amount (cubic feet, gallons) of fuel burned;
- e. fuel oil analysis of the sulfur content of the fuel oil used (if applicable);
- f. on-specification reclaimed fuel oil analysis to document compliance with the on-specification reclaimed fuel oil limits (if applicable); and
- g. a copy of the daily records for the day the test was conducted and the monthly records for the month the test was conducted as required by Specific Condition No. A.10.

\* *Failure to submit this information may invalidate the test.*

[Rules 62-4.070(3) and 62-297.310(8), F.A.C.; 40 CFR 60.8(a); Construction Permit 1190050-003-AC]

SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)

A. EU No. 001 Drum Mix Asphalt Concrete Plant

A.10. Operation Records: In order to document continuing compliance with Specific Condition No. A.2., the following records shall be kept:

Daily:

- a. facility name, facility ID No., emission unit ID No., and description (i.e., Rainey Asphalt, LLC, 1190050, EU No. 001, drum mix asphalt plant);
- b. date;
- c. total virgin asphalt concrete production (tons);
- d. total asphalt concrete containing RAP production (tons);
- e. total of both types (c. and d. above) of asphalt concrete production combined (tons);
- f. total hours of operation while producing asphalt concrete (including RAP);
- g. calculation of the daily average (tons/hour) production rate of asphalt concrete based on e. and f. above;

Monthly:

- h. facility name, facility ID No., emission unit ID No., and description (i.e., Rainey Asphalt, LLC, 1190050, EU No. 001, drum mix asphalt plant);
- i. date (month/year);
- j. total tons of both types of asphalt concrete produced for the month (tons);
- k. most recent consecutive 12-month period total of asphalt concrete produced based on j. above ;
- l. total hours of operation for the month (hours/month); and
- m. most recent consecutive 12-month period total of hours of operation;

Daily records shall be completed within 5 business days and monthly records shall be completed by the end of the following month.

[Rule 62-4.070(3) F.A.C.; Construction Permit 1190050-003-AC]

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SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)

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A. EU No. 001 Drum Mix Asphalt Concrete Plant

- A.11. Additional Fuel Oil Usage Recordkeeping: In order to determine compliance with Specific Condition No. A.6. the following records shall be kept:
- a. If the last dryer compliance test was conducted while the dryer was fired with natural gas, the permittee shall keep a daily record of dryer's operating hours while firing new No. 2, on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, along with a cumulative total of fuel oil operating hours since the last dryer compliance test. {Note: When the operating hours of using fuel oil in the dryer since the last compliance test exceeds 400 hours, then additional compliance testing is required (see Specific Condition No. A.6.a.)}
  - b. If the last dryer compliance test was conducted while the dryer was fired with new No. 2 fuel oil, the permittee shall keep a daily record of dryer's operating hours while firing on-specification reclaimed fuel oil, new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, along with a cumulative total of these fuel oil operating hours since the last dryer compliance test. {Note: When the operating hours of using these fuel oils in the dryer since the last compliance test exceed 400 hours, then additional compliance testing is required (see Specific Condition No. A.6.b.)}
  - c. If the last dryer compliance test was conducted while the dryer was fired with on-specification reclaimed fuel oil, the permittee shall keep a daily record of dryer's operating hours while firing new No. 3 fuel oil, new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, along with a cumulative total of these fuel oil operating hours since the last dryer compliance test. {Note: When the operating hours of using these fuel oils in the dryer since the last compliance test exceed 400 hours, then additional compliance testing is required (see Specific Condition No. A.6.c.)}
  - d. If the last dryer compliance test was conducted while the dryer was fired with new No. 3 fuel oil, the permittee shall keep a daily record of dryer's operating hours while firing new No. 4 fuel oil, new No. 5 fuel oil, or new No. 6 fuel oil, along with a cumulative total of these fuel oil operating hours since the last dryer compliance test. {Note: When the operating hours of using these fuel oils in the dryer since the last compliance test exceed 400 hours, then additional compliance testing is required (see Specific Condition No. A.6.d.)}
  - e. If the last dryer compliance test was conducted while the dryer was fired with new No. 4 fuel oil, the permittee shall keep a daily record of dryer's operating hours while firing new No. 5 fuel oil or new No. 6 fuel oil, along with a cumulative total of these fuel oil operating hours since the last dryer compliance test. {Note: When the operating hours of using these fuel oils in the dryer since the last compliance test exceed 400 hours, then additional compliance testing is required (see Specific Condition No. A.6.e.)}
  - f. If the last dryer compliance test was conducted while the dryer was fired with new No. 5 fuel oil, the permittee shall keep a daily record of dryer's operating hours while firing on-new No. 6 fuel oil, along with a cumulative total of this fuel oil operating hours since the last dryer compliance test. {Note: When the operating hours of using new No. 6 fuel oil in



**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

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**A. EU No. 001 Drum Mix Asphalt Concrete Plant**

the dryer since the last compliance test exceeds 400 hours, then additional compliance testing is required (see Specific Condition No. A.6.f.)}

[Rule 62-4.070(3), F.A.C.; Construction Permit 1190050-003-AC]

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

**B. EU No. 002 Portable Reclaimed Asphalt Pavement (RAP) Crushing System**

This section of the permit addresses the following emissions unit:

| ID No. | Emission Unit Description   |
|--------|---|
| 002    | <p>The facility will rent a reclaimed asphalt pavement (RAP) crushing system that may be owned and operated by different entities and/or hire an outside contractor to come in and perform the crushing operations as needed to crush RAP. However, the Department considers Rainey Asphalt responsible for all operations and emissions occurring at this facility.</p> <p>The crusher will be a Terex Pegson 4242sr Trakpaktor or similar unit. This unit is mobile, closed-loop impact crusher equipped with spray bars for dust suppression. There will be a maximum of two belts associated with the crusher. The re-locatable RAP crushing system crushes a maximum of 400,000 tons of material in any consecutive 12-month period. There is no control equipment associated with the crushing system, the emissions are fugitive only. The crushing system utilizes an exempt diesel fired engine.</p> |

**PERFORMANCE RESTRICTIONS**

**B.1. Federal Regulatory Requirements:**

- a. If a portable RAP crushing system used at this asphalt plant is not subject to the attached Title 40, Code of Federal Regulations (CFR), Part 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants (see Appendix E.) and the attached general provisions of 40 CFR 60, Subpart A (see Appendix F.), where applicable, then the only conditions in this section (Section 4.B.) that apply are Specific Condition Nos. B.2., B.3., B.4., B.6., B.16., and B.18.a.-e. apply.
- b. If a portable RAP crushing system used at this asphalt plant is subject to the attached Title 40, Code of Federal Regulations (CFR), Part 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants (see Appendix E.) and the attached general provisions of 40 CFR 60, Subpart A (see Appendix F.), where applicable, then all of the following specific conditions apply.

[40 CFR 60, Subparts A and OOO]

**B.2. Florida Air Permit Requirement :** Every portable RAP crushing system operated at this facility shall have a valid Florida Air General Permit or a non-Title V relocatable air operation permit. While on site, any portable crushing system is also subject to all the terms and conditions contained in this Air Permit.

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

**B.3. Permitted Capacity:** This emission unit is limited to the following operating parameters:

| EU ID No. | Brief Description    | Maximum throughput of uncrushed RAP at this facility (tons/any consecutive 12-month period) |
|-----------|----------------------|---|
| 002       | RAP Crushing System* | 400,000   |

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

**B. EU No. 002 Portable Reclaimed Asphalt Pavement (RAP) Crushing System**

\*Only one RAP crushing system is authorized to operate with this asphalt plant at any one time.

[Rules 62-210.200 ("Potential to Emit") and 62-297.310(2), F.A.C.; Construction Permit 1190050-003-AC]

B.4. Maximum Emission Points: The crushing system located with the asphalt concrete plant shall not have more emission points and specific pieces of equipment than shown in the Table below. (See Appendix G for a flow diagram of the RAP Crushing System).

| Emission Point No. | Brief Description                                       |
|--------------------|---|
| 1                  | Front End Loader to Feeder Hopper                       |
| 2                  | Feed Hopper to Crusher                                  |
| 3                  | Crusher   |
| 4                  | Crusher Discharge to Conveyer Belt                      |
| 5                  | Conveyer Belt Discharge to Screen                       |
| 6                  | Screen  |
| 7                  | Screen to Oversize Conveyer Belt                        |
| 8                  | Oversize Conveyer Belt to Feed Hopper                   |
| 9                  | Screen to Finished Product Conveyer Belt                |
| 10                 | Finished Product Conveyer Belt Transfer to Stacker Belt |
| 11                 | Discharge Stacker Belt to Stockpile                     |

[Rule 62-210.200 ("Potential to Emit"), F.A.C. ; Construction Permit 1190050-003-AC]

**EMISSIONS STANDARDS**

B.5. Visible Emissions (VE) Limitations: Each emission point associated with this emission unit shall comply with the following maximum visible emission limitations:

| Emission Point No. | Brief Description                                       | Max. VE Limit (%Opacity) <sup>1</sup> | Max. VE Limit (% Opacity) <sup>2</sup> |
|--------------------|---|---------------------------------------|--|
| 1                  | Front End Loader to Feeder Hopper                       | <20*                                  | <20*                                   |
| 2                  | Feed Hopper to Crusher                                  | 15**                                  | 12**                                   |
| 3                  | Crusher   | 15**                                  | 12**                                   |
| 4                  | Crusher Discharge to Conveyer Belt                      | 15**                                  | 12**                                   |
| 5                  | Conveyer Belt Discharge to Screen                       | 10**                                  | 7**                                    |
| 6                  | Screen  | 10**                                  | 7**                                    |
| 7                  | Screen to Oversize Conveyer Belt                        | 10**                                  | 7**                                    |
| 8                  | Oversize Conveyer Belt to Feed Hopper                   | 10**                                  | 7**                                    |
| 9                  | Screen to Finished Product Conveyer Belt                | 10**                                  | 7**                                    |
| 10                 | Finished Product Conveyer Belt Transfer to Stacker Belt | 10**                                  | 7**                                    |
| 11                 | Discharge Stacker Belt to Stockpile                     | <20*                                  | <20*                                   |

SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)

B. EU No. 002 Portable Reclaimed Asphalt Pavement (RAP) Crushing System

\* Rule 62-296.320(4)(b), F.A.C. \*\* 40 CFR 60.672(b)

<sup>1</sup> For crushers and affected pieces of equipment (e.g., screens) that commenced construction, modification or reconstruction after 8/31/1983, but before 4/22/2008.

<sup>2</sup> For crushers and affected pieces of equipment (e.g., screens) that commenced construction, modification or reconstruction on or after 4/22/2008.

*Permitting Note: Emission Point Nos. 1 and 11 do not require regular scheduled VE compliance testing, since the applicable visible emission limitation is a facility-wide limitation and there is no applicable allowable mass emission limitation. Emission Point Nos. 2 & 3 and 5 & 6 are at the same location and require only one VE test.*

[Rules 62-210.200 ("Potential to Emit") and 62-296.320(4)(b), F.A.C.; 40 CFR 60.672(b) and (c)]

B.6. Unconfined Emissions of Particulate Matter: Unconfined emissions shall be controlled by using a water suppression system with spray bars located wherever unconfined emissions occur at the feeder, the entrance and exit of the crusher, screen, and the conveyor drop points.

[Rule 62-296.320(4)(c), F.A.C.; Construction Permit 1190050-003-AC]

TESTING REQUIREMENTS

B.7. Visible Emissions Test Requirements: In order to determine compliance with the visible emission limitations of Specific Condition No. B.5. for each crushing system that is brought on-site, the permittee shall maintain on site either documentation of the most recent\* annual visible emissions test that complies with the crushing system's General Permit or non-Title V relocatable air operation permit requirements prior to locating at this site (see Specific Condition B.8.) or shall test on-site according to Specific Condition Nos. B.9. - B.11., below.

*\*Permitting Note: The most recent test shall not be older than the previous federal fiscal year.*

[Rule 62-4.070(3), F.A.C.; Construction Permit 1190050-003-AC]

B.8. Off-Site Test Requirements: An off-site test may be accepted by the Department provided the required documentation listed in Specific Condition No. B.14. below can be provided with the test report required in Specific Condition No. B.15. below. In addition, the crushing system must have been tested while operating with the same or more emission points and equipment that will be operating while on-site. If an off-site visible emissions test is used to demonstrate compliance with Specific Condition No. B.5., the crusher shall not be operated at rates greater than 110% of the actual processing rate measured during that test.

[Rule 62-4.070(3), F.A.C.; Construction Permit 1190050-003-AC]

B.9. On-Site Test Requirements: If adequate documentation as required by Specific Condition No. B.8. is not available, the permittee shall test Emission Point Nos. 2 through 10 (as applicable) for visible emissions as soon as possible but no later than 30 days of placing the crushing system into operation after the effective date of this permit. Once tested, the crushing system may not operate in a configuration that has more pieces of equipment and/or emission points than were operating during the test unless a new compliance test is conducted with the greater number of pieces of equipment and/or emission points. In no case shall the pieces of equipment and/or emission points exceed those in Specific Condition No. B.4. In addition, the daily average crushing rate is

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

**B. EU No. 002 Portable Reclaimed Asphalt Pavement (RAP) Crushing System**

limited to 110% of the rate at which the most recent compliance test was conducted until a new test is conducted as required by Section 5, Appendix D, No. 1. If the crusher remains on-site, the crushing system shall be tested for visible emissions annually during each federal fiscal year (October 1 - September 30) the crushing system is on-site.  
[Rules 62-4.070(3) and 62-297.310(7)(a), F.A.C.; Construction Permit 1190050-003-AC]

B.10. Visible Emission Testing Requirements: On-site visible emission testing shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit and shall also comply with the following:

- a. The minimum distance between the observer and the emission source shall be 15 feet.
- b. The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
- c. The duration of the Method 9 observations must be 30 minutes (five 6-minute averages). Compliance with Specific Condition No. B.5., must be based on the average of the five 6-minute averages.
- d. As an alternative to the Method 9 requirement to conduct visible emission observations of only one emission point at a time, a single visible emission observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions are met:
  - (1) No more than three emission points may be read concurrently.
  - (2) All three emission points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
  - (3) If an opacity reading for any one of the three emission points equals or exceeds the applicable standard, then the observer must stop taking readings for the other two points and continue reading just that single point.

[Rules 62-297.310(4), and 62-297.401, F.A.C.; 40 CFR 60.675 (c) and (e)(2)]

B.11. Test Method(s): Required tests shall be performed in accordance with the following reference method(s).

| Method(s) | Description of Method and Comments                                       |
|-----------|--|
| 9         | Visual Determination of the Opacity of Emissions from Stationary Sources |

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

[Rules 62-204.800 and 62-297.401, F.A.C.; 40 CFR 60, Appendix A-4]

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

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**B. EU No. 002 Portable Reclaimed Asphalt Pavement (RAP) Crushing System**

**MONITORING REQUIREMENTS**

- B.12. Monitoring Requirements: If any affected piece(s) of equipment of the RAP Crushing System (i.e., crusher, screen or conveyor belt) was constructed, modified, or began reconstruction on or after April 22, 2008, a monthly inspection must be performed to check that water is flowing to discharge spray nozzles of the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if water is not flowing properly during the inspection.  
[40 CFR 60, 60.674(b)]

**NOTIFICATION REQUIREMENTS**

- B.13. On-Site Test Notification: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required on-site tests. The notification must include the following information: the date, time, and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test; and the name, company, and the telephone number of the person conducting the test.

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

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

**RECORDS AND REPORTS**

- B.14. On-Site Test Report Requirements: The permittee shall prepare and submit to the Compliance Authority reports for all required tests in accordance with the requirement specified in Appendix D (Common Testing Requirements) of this permit. The test report must include the following:
- a. owner name;
  - b. General or non-Title V Air Operation Permit number (e.g., 7771234-XXX-AX);
  - c. manufacturer's maximum rated capacity for any material (i.e. the rated TPH capacity of the material with the highest processing rate);
  - d. date each affected piece of equipment of the crushing system commenced construction, modification or reconstruction;
  - e. type of material processed;
  - f. actual material handling rate during the test period (tons/hour);
  - g. configuration of the crushing system during the test to include specific pieces of equipment, emission points and/or a process flow diagram; and
  - h. a copy of the monthly log as required by Specific Condition No. B.16. for the month the test was conducted.

[Rules 62-4.070(3) and 62-297.310(8), F.A.C.; Construction Permit 1190050-003-AC]

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

**B. EU No. 002 Portable Reclaimed Asphalt Pavement (RAP) Crushing System**

B.15. Off-Site RAP Crushing System Test Reports: When demonstrating compliance with Specific Condition B.5. with an off-site visible emissions test, the permittee shall submit a copy of the most recent VE test report for each crushing system operated on site at the same time the test report for the drum mix asphalt plant (EU 001) is submitted (*see Specific Condition A.9.*). The test reports must include the information specified in B.14.a.-g. above.  
[Rule 62-4.070(3), F.A.C.; Construction Permit 1190050-003-AC]

B.16. Operation Records: In order to document compliance with Specific Condition No. B.3., the permittee shall record the following while the crushing system is on-site:

Daily:

- a. facility name, facility ID No., emission unit ID No., crushing system owner's name, Florida General or non-Title V Air Operation Permit No., and any other identification information so each crushing system can be clearly distinguished from another crushing system;
- b. hours of operation;
- c. total RAP throughput (tons);
- d. daily average throughput rate based on b. and c. above (tons/hour);

Monthly:

- e. facility name, facility ID No., and emission unit ID No.;
- f. total RAP throughput (tons);
- g. most recent consecutive 12-month rolling total RAP throughput (tons/consecutive 12-month period);
- h. quantity of fuel oil burned; and
- i. most recent consecutive 12-month rolling total of fuel oil consumed.

Daily records shall be completed within 5 business days and monthly records shall be completed by the end of the following month.

[Rule 62-4.070(3) F.A.C.; Construction Permit 1190050-003-AC]

B.17. Monitoring Records: If any affected piece(s) of equipment of the RAP Crushing System was constructed, modified, or began reconstruction on or after April 22, 2008, the owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken. (*see also Specific Condition B.12.*)  
[40 CFR 60, 60.674(b)]

B.18. General Recordkeeping Requirements: The permittee shall keep records for each RAP crushing system operated on site as follows:

- a. owner name;
- b. General or non-Title V Air Operation Permit number(s) (e.g., 7771234-xxx-AX) and permit effective date(s);
- c. dates on site;

**SECTION 4. EMISSIONS UNIT SPECIFIC CONDITIONS (FINAL)**

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**B. EU No. 002 Portable Reclaimed Asphalt Pavement (RAP) Crushing System**

- d. manufacturer's maximum rated capacity for any material (*i.e. the rated TPH capacity of the material with the highest processing rate*);
- e. operating configuration while on-site to include specific pieces of equipment, emission points, and/or a process flow diagram; and
- f. date of most recent visible emissions test and a copy of the test report.

[Rule 62-4.070(3), F.A.C.; Construction Permit 1190050-003-AC]



## SECTION 5. APPENDICES

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### Contents

- Appendix A. Citation Formats and Glossary of Common Terms
- Appendix B. General Conditions
- Appendix C. Common Conditions
- Appendix D. Common Testing Requirements
- Appendix E. - 40 CFR 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants
- Appendix F. - 40 CFR 60, Subpart A - General Provisions
- Appendix G. - RAP Crushing System Flow Diagram

## SECTION 5. APPENDIX A

### Citation Formats and Glossary of Common Terms

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#### CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

##### Old Permit Numbers

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: "AC" identifies the permit as an Air Construction Permit

"AO" identifies the permit as an Air Operation Permit

"123456" identifies the specific permit project number

##### New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: "099" represents the specific county ID number in which the project is located

"2222" represents the specific facility ID number for that county

"001" identifies the specific permit project number

"AC" identifies the permit as an air construction permit

"AF" identifies the permit as a minor source federally enforceable state operation permit

"AO" identifies the permit as a minor source air operation permit

"AV" identifies the permit as a major Title V air operation permit

##### PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality

"FL" means that the permit was issued by the State of Florida

"317" identifies the specific permit project number

##### Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

##### Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

#### GLOSSARY OF COMMON TERMS

° F: degrees Fahrenheit

acf: actual cubic feet

AAQS: Ambient Air Quality Standard

acfm: actual cubic feet per minute

## SECTION 5. APPENDIX A

### Citation Formats and Glossary of Common Terms

|   |   |
|---|---|
| <b>ARMS:</b> Air Resource Management System (DEP database)                              | <b>ft<sup>2</sup>:</b> square feet  |
| <b>BACT:</b> best available control technology  | <b>ft<sup>3</sup>:</b> cubic feet   |
| <b>bhp:</b> brake horsepower  | <b>gpm:</b> gallons per minute  |
| <b>Btu:</b> British thermal units   | <b>gr:</b> grains   |
| <b>CAM:</b> compliance assurance monitoring   | <b>HAP:</b> hazardous air pollutant   |
| <b>CEMS:</b> continuous emissions monitoring system                                     | <b>Hg:</b> mercury  |
| <b>cfm:</b> cubic feet per minute   | <b>I.D.:</b> induced draft  |
| <b>CFR:</b> Code of Federal Regulations   | <b>ID:</b> identification   |
| <b>CAA:</b> Clean Air Act   | <b>kPa:</b> kilopascals   |
| <b>CMS:</b> continuous monitoring system  | <b>lb:</b> pound  |
| <b>CO:</b> carbon monoxide  | <b>MACT:</b> maximum achievable technology  |
| <b>CO<sub>2</sub>:</b> carbon dioxide   | <b>MMBtu:</b> million British thermal units   |
| <b>COMS:</b> continuous opacity monitoring system                                       | <b>MSDS:</b> material safety data sheets  |
| <b>DARM:</b> Division of Air Resource Management  | <b>MW:</b> megawatt   |
| <b>DEP:</b> Department of Environmental Protection                                      | <b>NESHAP:</b> National Emissions Standards for Hazardous Air Pollutants                          |
| <b>Department:</b> Department of Environmental Protection                               | <b>NO<sub>x</sub>:</b> nitrogen oxides  |
| <b>dscf:</b> dry standard cubic feet  | <b>NSPS:</b> New Source Performance Standards   |
| <b>dscfm:</b> dry standard cubic feet per minute  | <b>O&amp;M:</b> operation and maintenance   |
| <b>EPA:</b> Environmental Protection Agency   | <b>O<sub>2</sub>:</b> oxygen  |
| <b>ESP:</b> electrostatic precipitator (control system for reducing particulate matter) | <b>Pb:</b> lead   |
| <b>EU:</b> emissions unit   | <b>PM:</b> particulate matter   |
| <b>F.A.C.:</b> Florida Administrative Code  | <b>PM<sub>10</sub>:</b> particulate matter with a mean aerodynamic diameter of 10 microns or less |
| <b>F.A.W.:</b> Florida Administrative Weekly  | <b>ppm:</b> parts per million   |
| <b>F.D.:</b> forced draft   | <b>ppmv:</b> parts per million by volume  |
| <b>F.S.:</b> Florida Statutes   | <b>ppmvd:</b> parts per million by volume, dry basis  |
| <b>FGD:</b> flue gas desulfurization  | <b>QA:</b> quality assurance  |
| <b>FGR:</b> flue gas recirculation  | <b>QC:</b> quality control  |
| <b>Fl:</b> fluoride   | <b>PSD:</b> prevention of significant deterioration   |
|   | <b>psi:</b> pounds per square inch  |
|   | <b>PTE:</b> potential to emit   |

## SECTION 5. APPENDIX A

### Citation Formats and Glossary of Common Terms

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**RACT:** reasonably available control technology

**RATA:** relative accuracy test audit

**RBLC:** EPA's RACT/BACT/LAER Clearinghouse

**SAM:** sulfuric acid mist

**scf:** standard cubic feet

**scfm:** standard cubic feet per minute

**SIC:** standard industrial classification code

**SIP:** State Implementation Plan

**SNCR:** selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)

**SO<sub>2</sub>:** sulfur dioxide

**TPD:** tons/day

**TPH:** tons per hour

**TPY:** tons per year

**TRS:** total reduced sulfur

**UTM:** Universal Transverse Mercator coordinate system

**VE:** visible emissions

**VOC:** volatile organic compounds

## SECTION 5. APPENDIX B

### General Conditions

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - a. Have access to and copy any records that must be kept under conditions of the permit;
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

## SECTION 5. APPENDIX B

### General Conditions

- a. A description of and cause of noncompliance; and
  - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
- a. Determination of Best Available Control Technology (not applicable);
  - b. Determination of Prevention of Significant Deterioration (not applicable); and
  - c. Compliance with New Source Performance Standards (applicable).
14. The permittee shall comply with the following:
- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    - (a) The date, exact place, and time of sampling or measurements;

## SECTION 5. APPENDIX B

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### General Conditions

- (b) The person responsible for performing the sampling or measurements;
  - (c) The dates analyses were performed;
  - (d) The person responsible for performing the analyses;
  - (e) The analytical techniques or methods used;
  - (f) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

## SECTION 5. APPENDIX C

### Common Conditions

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

#### EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future 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 the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed 2 hours in any 24-hour period unless specifically authorized by the Department for longer duration. Pursuant to Rule 62-210.700(5), F.A.C., the permit subsection may specify more or less stringent requirements for periods of excess emissions. Rule 62-210.700(Excess Emissions), F.A.C., cannot vary or supersede any federal NSPS or NESHAP provision. [Rule 62-210.700(1), F.A.C.]
4. 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. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. 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. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1,



## SECTION 5. APPENDIX C

### Common Conditions

F.A.C.]

9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

### RECORDS AND REPORTS

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 3 years following the date on which such measurements, records, or data are recorded, unless otherwise specified by Department rule. Records shall be made available to the Department upon request. [Rule 62-4.160, F.A.C.]
11. Emissions Computation and Reporting:
- a. *Applicability*. This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission limitations of any air permit. [Rule 62-210.370(1), F.A.C.]
  - b. *Computation of Emissions*. For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.
    - (1) *Basic Approach*. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.
      - (a) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.
      - (b) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C, but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
      - (c) If a CEMS is not available or does not meet the requirements of paragraph 62-

## SECTION 5. APPENDIX C

### Common Conditions

210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

#### (2) Continuous Emissions Monitoring System (CEMS).

- (a) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:
  - 1) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or
  - 2) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.
- (b) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:
  - 1) A calibrated flow meter that records data on a continuous basis, if available; or
  - 2) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
- (c) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.

#### (3) Mass Balance Calculations.

- (a) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:
  - 1) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and
  - 2) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.
- (b) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within

## SECTION 5. APPENDIX C

### Common Conditions

the range is more accurate.

- (c) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.

#### (4) Emission Factors.

- a. An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.
    - 1) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
    - 2) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.
    - 3) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.
  - b. If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.
- (5) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.
  - (6) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.
  - (7) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the

## SECTION 5. APPENDIX C

### Common Conditions

extent quantifiable, associated with such facility or emissions unit.

- (8) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

[Rule 62-210.370(2), F.A.C.]

c. *Annual Operating Report for Air Pollutant Emitting Facility*

- (1) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year for the following facilities:
  - a. All Title V sources.
  - b. All synthetic non-Title V sources.
  - c. All facilities with the potential to emit ten (10) tons per year or more of volatile organic compounds or twenty-five (25) tons per year or more of nitrogen oxides and located in an ozone nonattainment area or ozone air quality maintenance area.
  - d. All facilities for which an annual operating report is required by rule or permit.
- (2) Notwithstanding paragraph 62-210.370(3)(a), F.A.C., no annual operating report shall be required for any facility operating under an air general permit.
- (3) The annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by April 1 of the following year. If the report is submitted using the Department's electronic annual operating report software, there is no requirement to submit a copy to any DEP or local air program office.
- (4) Emissions shall be computed in accordance with the provisions of subsection 62-210.370(2), F.A.C., for purposes of the annual operating report.
- (5) Facility Relocation. Unless otherwise provided by rule or more stringent permit condition, the owner or operator of a relocatable facility must submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least 30 days prior to the relocation. A separate form shall be submitted for each facility in the case of the relocation of multiple facilities which are jointly owned or operated.

[Rule 62-210.370(3), F.A.C.]

**SECTION 5. APPENDIX D**  
**Common Testing Requirements**

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Unless otherwise specified in the permit, the following testing requirements apply to all emissions units at the facility.

**COMPLIANCE TESTING REQUIREMENTS**

1. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]
2. Applicable Test Procedures - Opacity Compliance Tests: When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
  - a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.
  - b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.
  - c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.[Rule 62-297.310(4), F.A.C.]
3. Determination of Process Variables:
  - a. *Required Equipment*. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
  - b. *Accuracy of Equipment*. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

**SECTION 5. APPENDIX D**  
**Common Testing Requirements**

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

4. **Frequency of Compliance Tests:** The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.
- a. *General Compliance Testing.*
1. The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
  2. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
    - (a) Did not operate; or
    - (b) In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours,
  3. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for visible emissions, if there is an applicable standard.
  4. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
- b. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

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

**RECORDS AND REPORTS**

5. **Test Reports:** The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test

**SECTION 5. APPENDIX D**  
**Common Testing Requirements**

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report shall provide the following information.

- a. The type, location, and designation of the emissions unit tested.
- b. The facility at which the emissions unit is located.
- c. The owner or operator of the emissions unit.
- d. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
- e. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
- f. The date, starting time and end time of the observation.
- g. The test procedures used.
- h. The names of individuals who furnished the process variable data, conducted the test, and prepared the report.
- i. The applicable emission standard and the resulting maximum allowable emission rate for the emissions unit plus the test result in the same form and unit of measure.
- j. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

**SECTION 5. APPENDIX E**

**40 CFR, Subpart OOO-Standards of Performance for Nonmetallic Mineral Processing Plants**

**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: APRIL 28, 2009*

*RULE EFFECTIVE DATE: ANTICIPATED FOR OCTOBER 1, 2009*

*STANDARDIZED CONDITIONS REVISION DATE: JULY 10, 2009*

**40 CFR PART 60, SUBPART OOO – STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS**

Source: 74 FR 19309, Apr. 28, 2009, unless otherwise noted.

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

(a)

- (1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.
- (2) The provisions of this subpart do not apply to the following operations: All facilities located in underground mines; plants without crushers or grinding mills above ground; and wet material processing operations (as defined in §60.671).

(b) An affected facility that is subject to the provisions of subparts F or I of this part or that follows in the plant process any facility subject to the provisions of subparts F or I of this part is not subject to the provisions of this subpart.

(c) Facilities at the following plants are not subject to the provisions of this subpart:

- (1) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 23 megagrams per hour (25 tons per hour) or less;
- (2) Portable sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 136 megagrams per hour (150 tons per hour) or less; and
- (3) Common clay plants and pumice plants with capacities, as defined in §60.671, of 9 megagrams per hour (10 tons per hour) or less.

(d)

- (1) When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in paragraph (d)(3) of this section.
- (2) An owner or operator complying with paragraph (d)(1) of this section shall submit the information required in §60.676(a).



## SECTION 5. APPENDIX E

### 40 CFR, Subpart OOO-Standards of Performance for Nonmetallic Mineral Processing Plants

- (3) An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in paragraph (d)(1) of this section and must comply with the provisions of §§60.672, 60.674 and 60.675.
- (e) An affected facility under paragraph (a) of this section that commences construction, modification, or reconstruction after August 31, 1983, is subject to the requirements of this part.
- (f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that do not apply to owners and operators of affected facilities subject to this subpart or that apply with certain exceptions.

#### § 60.671 Definitions.

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in subpart A of this part.

*Bagging operation* means the mechanical process by which bags are filled with nonmetallic minerals.

*Belt conveyor* means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

*Bucket elevator* means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

*Building* means any frame structure with a roof.

*Capacity* means the cumulative rated capacity of all initial crushers that are part of the plant.

*Capture system* means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more affected facilities to a control device.

*Control device* means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities at a nonmetallic mineral processing plant.

*Conveying system* means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: Feeders, belt conveyors, bucket elevators and pneumatic systems.

*Crush* or *Crushing* means to reduce the size of nonmetallic mineral material by means of physical impact of the crusher or grinding mill upon the material.

*Crusher* means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: Jaw, gyratory, cone, roll, rod mill, hammer mill, and impactor.

*Enclosed truck or railcar loading station* means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.

*Fixed plant* means any nonmetallic mineral processing plant at which the processing equipment specified in §60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

*Fugitive emission* means particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.

*Grinding mill* means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: Hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

*Initial crusher* means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.

*Nonmetallic mineral* means any of the following minerals or any mixture of which the majority is any of the following minerals:

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- (1) Crushed and Broken Stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.
- (2) Sand and Gravel.
- (3) Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.
- (4) Rock Salt.
- (5) Gypsum (natural or synthetic).
- (6) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.
- (7) Pumice.
- (8) Gilsonite.
- (9) Talc and Pyrophyllite.
- (10) Boron, including Borax, Kernite, and Colemanite.
- (11) Barite.
- (12) Fluorospar.
- (13) Feldspar.
- (14) Diatomite.
- (15) Perlite.
- (16) Vermiculite.
- (17) Mica.
- (18) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

*Nonmetallic mineral processing plant* means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in §60.670 (b) and (c).

*Portable plant* means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

*Production line* means all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system.

*Saturated material* means, for purposes of this subpart, mineral material with sufficient surface moisture such that particulate matter emissions are not generated from processing of the material through screening operations, bucket elevators and belt conveyors. Material that is wetted solely by wet suppression systems is not considered to be "saturated" for purposes of this definition.

*Screening operation* means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens). Grizzly feeders associated with truck dumping and static (non-moving) grizzlies used anywhere in the nonmetallic mineral processing plant are not considered to be screening operations.

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*Seasonal shut down* means shut down of an affected facility for a period of at least 45 consecutive days due to weather or seasonal market conditions.

*Size* means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.

*Stack emission* means the particulate matter that is released to the atmosphere from a capture system.

*Storage bin* means a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading.

*Transfer point* means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

*Truck dumping* means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: Trucks, front end loaders, skip hoists, and railcars.

*Vent* means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.

*Wet material processing operation(s)* means any of the following:

- (1) Wet screening operations (as defined in this section) and subsequent screening operations, bucket elevators and belt conveyors in the production line that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line; or
- (2) Screening operations, bucket elevators and belt conveyors in the production line downstream of wet mining operations (as defined in this section) that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line.

*Wet mining operation* means a mining or dredging operation designed and operated to extract any nonmetallic mineral regulated under this subpart from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.

*Wet screening operation* means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

#### § 60.672 Standard for particulate matter (PM).

- (a) Affected facilities must meet the stack emission limits and compliance requirements in Table 2 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.8. The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device.
- (b) Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.
- (c) [Reserved]
- (d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.

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- (e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a) and (b) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:
  - (1) Fugitive emissions from the building openings (except for vents as defined in §60.671) must not exceed 7 percent opacity; and
  - (2) Vents (as defined in §60.671) in the building must meet the applicable stack emission limits and compliance requirements in Table 2 of this subpart.
- (f) Any baghouse that controls emissions from only an individual, enclosed storage bin is exempt from the applicable stack PM concentration limit (and associated performance testing) in Table 2 of this subpart but must meet the applicable stack opacity limit and compliance requirements in Table 2 of this subpart. This exemption from the stack PM concentration limit does not apply for multiple storage bins with combined stack emissions.

#### § 60.673 Reconstruction.

- (a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable new facility" under §60.15. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.
- (b) Under §60.15, the "fixed capital cost of the new components" includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following August 31, 1983.

#### § 60.674 Monitoring of operations.

- (a) The owner or operator of any affected facility subject to the provisions of this subpart which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:
  - (1) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 250$  pascals  $\pm 1$  inch water gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.
  - (2) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 5$  percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.
- (b) The owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).
  - (1) If an affected facility relies on water carryover from upstream water sprays to control fugitive emissions, then that affected facility is exempt from the 5-year repeat testing requirement specified in Table 3 of this subpart provided that the affected facility meets the criteria in paragraphs (b)(1)(i) and (ii) of this section:

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- (i) The owner or operator of the affected facility conducts periodic inspections of the upstream water spray(s) that are responsible for controlling fugitive emissions from the affected facility. These inspections are conducted according to paragraph (b) of this section and §60.676(b), and
  - (ii) The owner or operator of the affected facility designates which upstream water spray(s) will be periodically inspected at the time of the initial performance test required under §60.11 of this part and §60.675 of this subpart.
- (2) If an affected facility that routinely uses wet suppression water sprays ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than water sprays during the monthly inspection (for example, water from recent rainfall), the logbook entry required under §60.676(b) must specify the control mechanism being used instead of the water sprays.
- (c) Except as specified in paragraph (d) or (e) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions must conduct quarterly 30-minute visible emissions inspections using EPA Method 22 (40 CFR part 60, Appendix A-7). The Method 22 (40 CFR part 60, Appendix A-7) test shall be conducted while the baghouse is operating. The test is successful if no visible emissions are observed. If any visible emissions are observed, the owner or operator of the affected facility must initiate corrective action within 24 hours to return the baghouse to normal operation. The owner or operator must record each Method 22 (40 CFR part 60, Appendix A-7) test, including the date and any corrective actions taken, in the logbook required under §60.676(b). The owner or operator of the affected facility may establish a different baghouse-specific success level for the visible emissions test (other than no visible emissions) by conducting a PM performance test according to §60.675(b) simultaneously with a Method 22 (40 CFR part 60, Appendix A-7) to determine what constitutes normal visible emissions from that affected facility's baghouse when it is in compliance with the applicable PM concentration limit in Table 2 of this subpart. The revised visible emissions success level must be incorporated into the permit for the affected facility.
- (d) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A-7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions may use a bag leak detection system. The owner or operator must install, operate, and maintain the bag leak detection system according to paragraphs (d)(1) through (3) of this section.
- (1) Each bag leak detection system must meet the specifications and requirements in paragraphs (d)(1)(i) through (viii) of this section.
- (i) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per dry standard cubic meter (0.00044 grains per actual cubic foot) or less.
  - (ii) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.*, using a strip chart recorder or a data logger).
  - (iii) The bag leak detection system must be equipped with an alarm system that will sound when the system detects an increase in relative particulate loading over the alarm set point established according to paragraph (d)(1)(iv) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.
  - (iv) In the initial adjustment of the bag leak detection system, the owner or operator must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

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- (v) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided in paragraph (d)(1)(vi) of this section.
  - (vi) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by paragraph (d)(2) of this section.
  - (vii) The owner or operator must install the bag leak detection sensor downstream of the fabric filter.
  - (viii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.
- (2) The owner or operator of the affected facility must develop and submit to the Administrator or delegated authority for approval of a site-specific monitoring plan for each bag leak detection system. The owner or operator must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in paragraphs (d)(2)(i) through (vi) of this section.
- (i) Installation of the bag leak detection system;
  - (ii) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;
  - (iii) Operation of the bag leak detection system, including quality assurance procedures;
  - (iv) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;
  - (v) How the bag leak detection system output will be recorded and stored; and
  - (vi) Corrective action procedures as specified in paragraph (d)(3) of this section. In approving the site-specific monitoring plan, the Administrator or delegated authority may allow owners and operators more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.
- (3) For each bag leak detection system, the owner or operator must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in paragraph (d)(2)(vi) of this section, the owner or operator must alleviate the cause of the alarm within 3 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:
- (i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;
  - (ii) Sealing off defective bags or filter media;
  - (iii) Replacing defective bags or filter media or otherwise repairing the control device;
  - (iv) Sealing off a defective fabric filter compartment;
  - (v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or
  - (vi) Shutting down the process producing the PM emissions.

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- (e) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A-7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility that is subject to the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) may follow the continuous compliance requirements in row 1 items (i) through (iii) of Table 6 to Subpart AAAAA of 40 CFR part 63.

#### § 60.675 Test methods and procedures.

- (a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendices A-1 through A-7 of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). Acceptable alternative methods and procedures are given in paragraph (e) of this section.
- (b) The owner or operator shall determine compliance with the PM standards in §60.672(a) as follows:
- (1) Except as specified in paragraphs (e)(3) and (4) of this section, Method 5 of Appendix A-3 of this part or Method 17 of Appendix A-6 of this part shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5 (40 CFR part 60, Appendix A-3), if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter.
  - (2) Method 9 of Appendix A-4 of this part and the procedures in §60.11 shall be used to determine opacity.
- (c)
- (1) In determining compliance with the particulate matter standards in §60.672(b) or §60.672(e)(1), the owner or operator shall use Method 9 of Appendix A-4 of this part and the procedures in §60.11, with the following additions:
    - (i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
    - (ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources ( *e.g.*, road dust). The required observer position relative to the sun (Method 9 of Appendix A-4 of this part, Section 2.1) must be followed.
    - (iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.
  - (2)
    - (i) In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under §60.672(f) of this subpart, using Method 9 (40 CFR part 60, Appendix A-4), the duration of the Method 9 (40 CFR part 60, Appendix A-4) observations shall be 1 hour (ten 6-minute averages).
    - (ii) The duration of the Method 9 (40 CFR part 60, Appendix A-4) observations may be reduced to the duration the affected facility operates (but not less than 30 minutes) for baghouses that control storage bins or enclosed truck or railcar loading stations that operate for less than 1 hour at a time.
  - (3) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) or §60.672(e)(1) of this subpart, the duration of the Method 9 (40 CFR part 60, Appendix A-4) observations must be 30 minutes (five 6-minute averages). Compliance with the

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applicable fugitive emission limits in Table 3 of this subpart must be based on the average of the five 6-minute averages.

- (d) To demonstrate compliance with the fugitive emission limits for buildings specified in §60.672(e)(1), the owner or operator must complete the testing specified in paragraph (d)(1) and (2) of this section. Performance tests must be conducted while all affected facilities inside the building are operating.
- (1) If the building encloses any affected facility that commences construction, modification, or reconstruction on or after April 22, 2008, the owner or operator of the affected facility must conduct an initial Method 9 (40 CFR part 60, Appendix A-4) performance test according to this section and §60.11.
  - (2) If the building encloses only affected facilities that commenced construction, modification, or reconstruction before April 22, 2008, and the owner or operator has previously conducted an initial Method 22 (40 CFR part 60, Appendix A-7) performance test showing zero visible emissions, then the owner or operator has demonstrated compliance with the opacity limit in §60.672(e)(1). If the owner or operator has not conducted an initial performance test for the building before April 22, 2008, then the owner or operator must conduct an initial Method 9 (40 CFR part 60, Appendix A-4) performance test according to this section and §60.11 to show compliance with the opacity limit in §60.672(e)(1).
- (e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
- (1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
    - (i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.
    - (ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.
  - (2) A single visible emission observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions are met:
    - (i) No more than three emission points may be read concurrently.
    - (ii) All three emission points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
    - (iii) If an opacity reading for any one of the three emission points equals or exceeds the applicable standard, then the observer must stop taking readings for the other two points and continue reading just that single point.
  - (3) Method 5I of Appendix A-3 of this part may be used to determine the PM concentration as an alternative to the methods specified in paragraph (b)(1) of this section. Method 5I (40 CFR part 60, Appendix A-3) may be useful for affected facilities that operate for less than 1 hour at a time such as (but not limited to) storage bins or enclosed truck or railcar loading stations.
  - (4) In some cases, velocities of exhaust gases from building vents may be too low to measure accurately with the type S pitot tube specified in EPA Method 2 of Appendix A-1 of this part [ *i.e.*, velocity head <1.3 mm H<sub>2</sub>O (0.05 in. H<sub>2</sub>O)] and referred to in EPA Method 5 of Appendix A-3 of this part. For these conditions, the owner or operator may determine the average gas flow rate produced by the power fans (*e.g.*, from vendor-supplied fan curves) to the building vent. The owner or operator may calculate the average gas velocity at the building vent measurement site using Equation 1 of this section and use this average velocity in determining and maintaining isokinetic sampling rates.



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$$v_e = \frac{Q_f}{A_e} \quad (\text{Eq. 1})$$

Where:

$V_e$  = average building vent velocity (feet per minute);

$Q_f$  = average fan flow rate (cubic feet per minute); and

$A_e$  = area of building vent and measurement location (square feet).

- (f) To comply with §60.676(d), the owner or operator shall record the measurements as required in §60.676(c) using the monitoring devices in §60.674 (a)(1) and (2) during each particulate matter run and shall determine the averages.
- (g) For performance tests involving only Method 9 (40 CFR part 60 Appendix A-4) testing, the owner or operator may reduce the 30-day advance notification of performance test in §60.7(a)(6) and 60.8(d) to a 7-day advance notification.
- (h) [Reserved]
- (i) If the initial performance test date for an affected facility falls during a seasonal shut down (as defined in §60.671 of this subpart) of the affected facility, then with approval from the permitting authority, the owner or operator may postpone the initial performance test until no later than 60 calendar days after resuming operation of the affected facility.

#### § 60.676 Reporting and recordkeeping.

- (a) Each owner or operator seeking to comply with §60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.
  - (1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:
    - (i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and
    - (ii) The rated capacity in tons per hour of the replacement equipment.
  - (2) For a screening operation:
    - (i) The total surface area of the top screen of the existing screening operation being replaced and
    - (ii) The total surface area of the top screen of the replacement screening operation.
  - (3) For a conveyor belt:
    - (i) The width of the existing belt being replaced and
    - (ii) The width of the replacement conveyor belt.
  - (4) For a storage bin:
    - (i) The rated capacity in megagrams or tons of the existing storage bin being replaced and
    - (ii) The rated capacity in megagrams or tons of replacement storage bins.
- (b)
  - (1) Owners or operators of affected facilities (as defined in §§60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under §60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make

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hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

- (2) For each bag leak detection system installed and operated according to §60.674(d), the owner or operator must keep the records specified in paragraphs (b)(2)(i) through (iii) of this section.
  - (i) Records of the bag leak detection system output;
  - (ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and
  - (iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.
- (3) The owner or operator of each affected facility demonstrating compliance according to §60.674(e) by following the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) must maintain records of visible emissions observations required by §63.7132(a)(3) and (b) of 40 CFR part 63, subpart AAAAA.
- (c) During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.
- (d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss and liquid flow rate decrease by more than 30 percent from the average determined during the most recent performance test.
- (e) The reports required under paragraph (d) of this section shall be postmarked within 30 days following end of the second and fourth calendar quarters.
- (f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 (40 CFR part 60, Appendix A-4) to demonstrate compliance with §60.672(b), (e) and (f).
- (g) The owner or operator of any wet material processing operation that processes saturated and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. At the time of such change, this screening operation, bucket elevator, or belt conveyor becomes subject to the applicable opacity limit in §60.672(b) and the emission test requirements of §60.11.
- (h) The subpart A requirement under §60.7(a)(1) for notification of the date construction or reconstruction commenced is waived for affected facilities under this subpart.
- (i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.
  - (1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
  - (2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

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- (j) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.
- (k) Notifications and reports required under this subpart and under subpart A of this part to demonstrate compliance with this subpart need only to be sent to the EPA Region or the State which has been delegated authority according to §60.4(b).

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

| Subpart A reference   | Applies to subpart OOO | Explanation   |
|---|------------------------|---|
| 60.4, Address   | Yes                    | Except in §60.4(a) and (b) submittals need not be submitted to both the EPA Region and delegated State authority (§60.676(k)).  |
| 60.7, Notification and recordkeeping                          | Yes                    | Except in (a)(1) notification of the date construction or reconstruction commenced (§60.676(h)).  |
|   |                        | Also, except in (a)(6) performance tests involving only Method 9 (40 CFR part 60, Appendix A-4) require a 7-day advance notification instead of 30 days (§60.675(g)).   |
| 60.8, Performance tests                                       | Yes                    | Except in (d) performance tests involving only Method 9 (40 CFR part 60, Appendix A-4) require a 7-day advance notification instead of 30 days (§60.675(g)).            |
| 60.11, Compliance with standards and maintenance requirements | Yes                    | Except in (b) under certain conditions (§§60.675(c)), Method 9 (40 CFR part 60, Appendix A-4) observation is reduced from 3 hours to 30 minutes for fugitive emissions. |
| 60.18, General control device                                 | No                     | Flares will not be used to comply with the emission limits.   |

**Table 2 to Subpart OOO – Stack Emission Limits for Affected Facilities With Capture Systems**

| For * * *  | The owner or operator must meet a PM limit of * * * | And the owner or operator must meet an opacity limit of * * * | The owner or operator must demonstrate compliance with these limits by conducting * * *  |
|--|---|---|--|
| Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008 | 0.05 g/dscm (0.022 gr/dscf) <sup>a</sup>            | 7 percent for dry control devices <sup>b</sup>                | An initial performance test according to §60.8 of this part and §60.675 of this subpart; and Monitoring of wet scrubber parameters according to §60.674(a) and §60.676(c), (d), and (e). |
| Affected facilities (as defined in §§60.670 and 60.671) that commence construction,  | 0.032 g/dscm (0.014 gr/dscf) <sup>a</sup>           | Not applicable (except for                                    | An initial performance test according to §60.8 of this   |

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| For * * *  | The owner or operator must meet a PM limit of * * * | And the owner or operator must meet an opacity limit of * * *  | The owner or operator must demonstrate compliance with these limits by conducting * * *  |
|--|---|--|--|
| Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008 | 0.05 g/dscm (0.022 gr/dscf) <sup>a</sup>            | 7 percent for dry control devices <sup>b</sup>   | An initial performance test according to §60.8 of this part and §60.675 of this subpart; and Monitoring of wet scrubber parameters according to §60.674(a) and §60.676(c), (d), and (e). |
| modification, or reconstruction on or after April 22, 2008   |   | individual enclosed storage bins)<br>7 percent for dry control devices on individual enclosed storage bins | part and §60.675 of this subpart; and Monitoring of wet scrubber parameters according to §60.674(a) and §60.676(c), (d), and (e); and  |
|  |   |  | Monitoring of baghouses according to §60.674(c), (d), or (e) and §60.676(b).   |

<sup>a</sup>Exceptions to the PM limit apply for individual enclosed storage bins and other equipment. See §60.672(d) through (f).

<sup>b</sup>The stack opacity limit and associated opacity testing requirements do not apply for affected facilities using wet scrubbers.

**Table 3 to Subpart OOO – Fugitive Emission Limits**

|           |  |   |   |
|-----------|--|---|---|
| For * * * | The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§60.670 and 60.671) * * * | The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used * * * | The owner or operator must demonstrate compliance with these limits by conducting * * * |
|-----------|--|---|---|

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|  |                    |                    |   |
|--|--------------------|--------------------|---|
| Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008 | 10 percent opacity | 15 percent opacity | An initial performance test according to §60.11 of this part and §60.675 of this subpart.   |
| Affected facilities (as defined in §§60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008                       | 7 percent opacity  | 12 percent opacity | An initial performance test according to §60.11 of this part and §60.675 of this subpart; and Periodic inspections of water sprays according to §60.674(b) and §60.676(b); and  |
|  |                    |                    | A repeat performance test according to §60.11 of this part and §60.675 of this subpart within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in §60.674(b) and §60.676(b) are exempt from this 5-year repeat testing requirement. |

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**FEDERAL REGULATIONS ADOPTED BY REFERENCE**

IN ACCORDANCE WITH RULE 62-204.800, F.A.C., THE FOLLOWING FEDERAL REGULATION  
IN TITLE 40 OF THE CODE OF FEDERAL REGULATIONS (CFR) WAS ADOPTED BY  
REFERENCE. THE ORIGINAL FEDERAL RULE NUMBERING HAS BEEN RETAINED.

FEDERAL REVISION DATE: JUNE 13, 2007

RULE EFFECTIVE DATE: OCTOBER 1, 2007

STANDARDIZED CONDITIONS REVISION DATE: OCTOBER 9, 2008

**40 CFR PART 60, SUBPART A - GENERAL PROVISIONS**

**§ 60.1 APPLICABILITY.**

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

**§ 60.2 DEFINITIONS.**

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

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

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

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

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

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

*Capital expenditure* means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change

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to an existing facility must not be reduced by any “excluded additions” as defined in IRS Publication 534, as would be done for tax purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Permitting authority* means:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

### § 60.3 UNITS AND ABBREVIATIONS.

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

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

A – ampere

g – gram

Hz – hertz

J – joule

K – degree Kelvin

kg – kilogram

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m – meter

m<sup>3</sup> – cubic meter

mg – milligram – 10<sup>-3</sup>gram

mm – millimeter – 10<sup>-3</sup>meter

Mg – megagram – 10<sup>6</sup> gram

mol – mole

N – newton

ng – nanogram – 10<sup>-9</sup>gram

nm – nanometer – 10<sup>-9</sup>meter

Pa – pascal

s – second

V – volt

W – watt

Ω – ohm

μg – microgram – 10<sup>-6</sup>gram

(b) Other units of measure:

Btu – British thermal unit

°C – degree Celsius (centigrade)

cal – calorie

cfm – cubic feet per minute

cu ft – cubic feet

dcf – dry cubic feet

dcm – dry cubic meter

dscf – dry cubic feet at standard conditions

dscm – dry cubic meter at standard conditions

eq – equivalent

°F – degree Fahrenheit

ft – feet

gal – gallon

gr – grain

g-eq – gram equivalent

hr – hour

in – inch

k – 1,000

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l – liter

lpm – liter per minute

lb – pound

meq – milliequivalent

min – minute

ml – milliliter

mol. wt. – molecular weight

ppb – parts per billion

ppm – parts per million

psia – pounds per square inch absolute

psig – pounds per square inch gage

°R – degree Rankine

scf – cubic feet at standard conditions

scfh – cubic feet per hour at standard conditions

scm – cubic meter at standard conditions

sec – second

sq ft – square feet

std – at standard conditions

(c) Chemical nomenclature:

CdS – cadmium sulfide

CO – carbon monoxide

CO<sub>2</sub> – carbon dioxide

HCl – hydrochloric acid

Hg – mercury

H<sub>2</sub>O – water

H<sub>2</sub>S – hydrogen sulfide

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

N<sub>2</sub> – nitrogen

NO – nitric oxide

NO<sub>2</sub> – nitrogen dioxide

NO<sub>x</sub> – nitrogen oxides

O<sub>2</sub> – oxygen

SO<sub>2</sub> – sulfur dioxide

SO<sub>3</sub> – sulfur trioxide

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SO<sub>x</sub> – sulfur oxides

(d) Miscellaneous:

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

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

**§ 60.4 ADDRESS.**

**ALL ADDRESSES THAT PERTAIN TO FLORIDA HAVE BEEN INCORPORATED. TO SEE THE  
COMPLETE LIST OF ADDRESSES PLEASE GO TO  
[HTTP://ECFR.GPOACCESS.GOV/CGI/T/TEXT/TEXT-  
IDX?C=ECFR&RGN=DIV6&VIEW=TEXT&NODE=40:6.0.1.1.1.1&IDNO=40](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div6&view=text&node=40:6.0.1.1.1.1&idno=40).**

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

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

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

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

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

[40 FR 18169, Apr. 25, 1975]

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

**§ 60.5 DETERMINATION OF CONSTRUCTION OR MODIFICATION.**

(a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.

(b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

[40 FR 58418, Dec. 16, 1975]

**§ 60.6 REVIEW OF PLANS.**

(a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.

(b)

(1) A separate request shall be submitted for each construction or modification project.

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

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

**§ 60.7 NOTIFICATION AND RECORD KEEPING.**

- (a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:
  - (1) A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
  - (2) [Reserved]
  - (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
  - (4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in §60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.
  - (5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with §60.13(c). Notification shall be postmarked not less than 30 days prior to such date.
  - (6) A notification of the anticipated date for conducting the opacity observations required by §60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.
  - (7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by §60.8 in lieu of Method 9 observation data as allowed by §60.11(e)(5) of this part. This notification shall be postmarked not less than 30 days prior to the date of the performance test.
- (b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.
- (c) Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when:

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more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

- (1) The magnitude of excess emissions computed in accordance with §60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
  - (2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
  - (3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.
  - (4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.
- (d) The summary report form shall contain the information and be in the format shown in figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.
- (1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in §60.7(c) need not be submitted unless requested by the Administrator.
  - (2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in §60.7(c) shall both be submitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

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Title

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Date



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- (e)
- (1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:
    - (i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this part continually demonstrate that the facility is in compliance with the applicable standard;
    - (ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the applicable standard; and
    - (iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.
  - (2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.
  - (3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.
- (f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:
- (1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f), of this section, the owner or operator shall retain the most recent consecutive three

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averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

- (2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.
- (3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.
- (g) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.
- (h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

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

#### § 60.8 PERFORMANCE TESTS.

- (a) Except as specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
  - (1) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.
  - (2) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure occurs.
  - (3) The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Administrator. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.

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- (4) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(1), (2), and (3) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.
- (b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
- (c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- (d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.
- (e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:
- (1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
  - (2) Safe sampling platform(s).
  - (3) Safe access to sampling platform(s).
  - (4) Utilities for sampling and testing equipment.
- (f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

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

**§ 60.9 AVAILABILITY OF INFORMATION.**

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

**§ 60.10 STATE AUTHORITY.**

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

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

**§ 60.11 COMPLIANCE WITH STANDARDS AND MAINTENANCE REQUIREMENTS.**

- (a) Compliance with standards in this part, other than opacity standards, shall be determined in accordance with performance tests established by §60.8, unless otherwise specified in the applicable standard.
- (b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
- (c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.
- (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (e)
  - (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in §60.8 unless one of the following conditions apply. If no performance test under §60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under §60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in §60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test

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conducted under §60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

- (2) Except as provided in paragraph (e)(3) of this section, the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph (b) of this section, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under §60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.
- (3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in §60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph (e)(1) of this section shall apply.
- (4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by §60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and §60.8 performance test results.
- (5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under §60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under §60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under §60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under §60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under §60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in §60.13(c) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance

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with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.

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

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

#### § 60.12 CIRCUMVENTION.

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

[39 FR 9314, Mar. 8, 1974]

#### § 60.13 MONITORING REQUIREMENTS.

- (a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless

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otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

- (b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under §60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.
- (c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under §60.11(e)(5), he shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, appendix B, of this part before the performance test required under §60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under §60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of this part. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.
  - (1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under §60.8 and as described in §60.11(e)(5) shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in paragraph (c) of this section at least 10 days before the performance test required under §60.8 is conducted.
  - (2) Except as provided in paragraph (c)(1) of this section, the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.
- (d)
  - (1) Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in appendix B of this part. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified. Owners and operators of a COMS installed in accordance with the provisions of this part, must automatically, intrinsic to the opacity monitor, check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of PS-1 in appendix B of this part. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.
  - (2) Unless otherwise approved by the Administrator, the following procedures must be followed for a COMS. Minimum procedures must include an automated method for producing a simulated zero opacity condition and an upscale opacity condition using a certified neutral density filter or other related technique to produce a known obstruction of the light beam. Such procedures must provide a system check of all active analyzer internal optics with power or curvature, all active electronic circuitry including the light source and photodetector assembly, and electronic or electro-mechanical systems and hardware and or software used during normal measurement operation.

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- (e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:
- (1) All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
  - (2) All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- (f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of this part shall be used.
- (g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation of fewer systems is approved by the Administrator. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system.
- (h)
- (1) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in §60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period.
  - (2) For continuous monitoring systems other than opacity, 1-hour averages shall be computed as follows, except that the provisions pertaining to the validation of partial operating hours are only applicable for affected facilities that are required by the applicable subpart to include partial hours in the emission calculations:
    - (i) Except as provided under paragraph (h)(2)(iii) of this section, for a full operating hour (any clock hour with 60 minutes of unit operation), at least four valid data points are required to calculate the hourly average, *i.e.*, one data point in each of the 15-minute quadrants of the hour.
    - (ii) Except as provided under paragraph (h)(2)(iii) of this section, for a partial operating hour (any clock hour with less than 60 minutes of unit operation), at least one valid data point in each 15-minute quadrant of the hour in which the unit operates is required to calculate the hourly average.
    - (iii) For any operating hour in which required maintenance or quality-assurance activities are performed:
      - (A) If the unit operates in two or more quadrants of the hour, a minimum of two valid data points, separated by at least 15 minutes, is required to calculate the hourly average; or
      - (B) If the unit operates in only one quadrant of the hour, at least one valid data point is required to calculate the hourly average.



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

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

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

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

#### § 60.14 MODIFICATION.

- (a) Except as provided under paragraphs (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which

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a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

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

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- (g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraph (a) of this section, compliance with all applicable standards must be achieved.
- (h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.
- (i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.
- (j)
  - (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.
  - (2) This exemption shall not apply to any new unit that:
    - (i) Is designated as a replacement for an existing unit;
    - (ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and
    - (iii) Is located at a different site than the existing unit.
- (k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration project*, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- (l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

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

#### § 60.15 RECONSTRUCTION.

- (a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.
- (b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:
  - (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and
  - (2) It is technologically and economically feasible to meet the applicable standards set forth in this part.
- (c) "Fixed capital cost" means the capital needed to provide all the depreciable components.
- (d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a

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comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

- (1) Name and address of the owner or operator.
  - (2) The location of the existing facility.
  - (3) A brief description of the existing facility and the components which are to be replaced.
  - (4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.
  - (5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.
  - (6) The estimated life of the existing facility after the replacements.
  - (7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.
- (e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.
- (f) The Administrator's determination under paragraph (e) shall be based on:
- (1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;
  - (2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;
  - (3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and
  - (4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.
- (g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

[40 FR 58420, Dec. 16, 1975]

#### § 60.16 PRIORITY LIST.

A LIST OF PRIORITIZED MAJOR SOURCE CATEGORIES MAY BE FOUND AT THE FOLLOWING EPA WEB SITE: [HTTP://ECFR.GPOACCESS.GOV/CGI/T/TEXT/TEXT-IDX?C=ECFR&RGN=DIV6&VIEW=TEXT&NODE=40:6.0.1.1.1.1&IDNO=40](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div6&view=text&node=40:6.0.1.1.1.1&idno=40)

#### § 60.17 INCORPORATIONS BY REFERENCE.

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

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- (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.
- (1) ASTM A99-76, 82 (Reapproved 1987), Standard Specification for Ferromanganese, incorporation by reference (IBR) approved for §60.261.
  - (2) ASTM A100-69, 74, 93, Standard Specification for Ferrosilicon, IBR approved for §60.261.
  - (3) ASTM A101-73, 93, Standard Specification for Ferrochromium, IBR approved for §60.261.
  - (4) ASTM A482-76, 93, Standard Specification for Ferrochromesilicon, IBR approved for §60.261.
  - (5) ASTM A483-64, 74 (Reapproved 1988), Standard Specification for Silicomanganese, IBR approved for §60.261.
  - (6) ASTM A495-76, 94, Standard Specification for Calcium-Silicon and Calcium Manganese-Silicon, IBR approved for §60.261.
  - (7) ASTM D86-78, 82, 90, 93, 95, 96, Distillation of Petroleum Products, IBR approved for §§60.562-2(d), 60.593(d), 60.593a(d), and 60.633(h).
  - (8) ASTM D129-64, 78, 95, 00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §§60.106(j)(2), 60.335(b)(10)(i), and Appendix A: Method 19, 12.5.2.2.3.
  - (9) ASTM D129-00 (Reapproved 2005), Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §60.4415(a)(1)(i).
  - (10) ASTM D240-76, 92, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved for §§60.46(c), 60.296(b), and Appendix A: Method 19, Section 12.5.2.2.3.
  - (11) ASTM D270-65, 75, Standard Method of Sampling Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.1.
  - (12) ASTM D323-82, 94, Test Method for Vapor Pressure of Petroleum Products (Reid Method), IBR approved for §§60.111(l), 60.111a(g), 60.111b(g), and 60.116b(f)(2)(ii).
  - (13) ASTM D388-77, 90, 91, 95, 98a, 99 (Reapproved 2004)<sup>ε1</sup>, Standard Specification for Classification of Coals by Rank, IBR approved for §§60.24(h)(8), 60.41 of subpart D of this part, 60.45(f)(4)(i), 60.45(f)(4)(ii), 60.45(f)(4)(vi), 60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, and 60.4102.
  - (14) ASTM D388-77, 90, 91, 95, 98a, Standard Specification for Classification of Coals by Rank, IBR approved for §§60.251(b) and (c) of subpart Y of this part.
  - (15) ASTM D396-78, 89, 90, 92, 96, 98, Standard Specification for Fuel Oils, IBR approved for §§60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, 60.111(b) of subpart K of this part, and 60.111a(b) of subpart Ka of this part.
  - (16) ASTM D975-78, 96, 98a, Standard Specification for Diesel Fuel Oils, IBR approved for §§60.111(b) of subpart K of this part and 60.111a(b) of subpart Ka of this part.
  - (17) ASTM D1072-80, 90 (Reapproved 1994), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved for §60.335(b)(10)(ii).
  - (18) ASTM D1072-90 (Reapproved 1999), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved for §60.4415(a)(1)(ii).

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

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



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- (54) ASTM D3792-79, 91, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for Appendix A: Method 24, Section 6.3.
- (55) ASTM D4017-81, 90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for Appendix A: Method 24, Section 6.4.
- (56) ASTM D4057-81, 95, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.3.
- (57) ASTM D4057-95 (Reapproved 2000), Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for §60.4415(a)(1).
- (58) ASTM D4084-82, 94, Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved for §60.334(h)(1).
- (59) ASTM D4084-05, Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved for §§60.4360 and 60.4415(a)(1)(ii).
- (60) ASTM D4177-95, Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.1.
- (61) ASTM D4177-95 (Reapproved 2000), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for §60.4415(a)(1).
- (62) ASTM D4239-85, 94, 97, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.
- (63) ASTM D4294-02, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.335(b)(10)(i).
- (64) ASTM D4294-03, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.4415(a)(1)(i).
- (65) ASTM D4442-84, 92, Standard Test Methods for Direct Moisture Content Measurement in Wood and Wood-base Materials, IBR approved for Appendix A: Method 28, Section 16.1.1.
- (66) ASTM D4444-92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters, IBR approved for Appendix A: Method 28, Section 16.1.1.
- (67) ASTM D4457-85 (Reapproved 1991), Test Method for Determination of Dichloromethane and 1, 1, 1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph, IBR approved for Appendix A: Method 24, Section 6.5.
- (68) ASTM D4468-85 (Reapproved 2000), Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry, IBR approved for §§60.335(b)(10)(ii) and 60.4415(a)(1)(ii).
- (69) ASTM D4629-02, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection, IBR approved for §§60.49b(e) and 60.335(b)(9)(i).
- (70) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for §§60.18(f)(3), 60.485(g)(6), 60.485a(g)(6), 60.564(f)(3), 60.614(d)(4), 60.664(e)(4), and 60.704(d)(4).
- (71) ASTM D4810-88 (Reapproved 1999), Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length of Stain Detector Tubes, IBR approved for §§60.4360 and 60.4415(a)(1)(ii).
- (72) ASTM D5287-97 (Reapproved 2002), Standard Practice for Automatic Sampling of Gaseous Fuels, IBR approved for §60.4415(a)(1).

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- (73) ASTM D5403-93, Standard Test Methods for Volatile Content of Radiation Curable Materials, IBR approved for Appendix A: Method 24, Section 6.6.
- (74) ASTM D5453-00, Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence, IBR approved for §60.335(b)(10)(i).
- (75) ASTM D5453-05, Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence, IBR approved for §60.4415(a)(1)(i).
- (76) ASTM D5504-01, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence, IBR approved for §§60.334(h)(1) and 60.4360.
- (77) ASTM D5762-02, Standard Test Method for Nitrogen in Petroleum and Petroleum Products by Boat-Inlet Chemiluminescence, IBR approved for §60.335(b)(9)(i).
- (78) ASTM D5865-98, Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for §60.45(f)(5)(ii), 60.46(c)(2), and Appendix A: Method 19, Section 12.5.2.1.3.
- (79) ASTM D6216-98, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, IBR approved for Appendix B, Performance Specification 1.
- (80) ASTM D6228-98, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §60.334(h)(1).
- (81) ASTM D6228-98 (Reapproved 2003), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §§60.4360 and 60.4415.
- (82) ASTM D6348-03, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, IBR approved for table 7 of Subpart IIII of this part and table 2 of subpart JJJJ of this part.
- (83) ASTM D6366-99, Standard Test Method for Total Trace Nitrogen and Its Derivatives in Liquid Aromatic Hydrocarbons by Oxidative Combustion and Electrochemical Detection, IBR approved for §60.335(b)(9)(i).
- (84) ASTM D6420-99 (Reapproved 2004) Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for table 2 of subpart JJJJ of this part.
- (85) ASTM D6522-00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for §60.335(a).
- (86) ASTM D6522-00 (Reapproved 2005), Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for table 2 of subpart JJJJ of this part.
- (87) ASTM D6667-01, Standard Test Method for Determination of Total Volatile Sulfur in Gaseous Hydrocarbons and Liquefied Petroleum Gases by Ultraviolet Fluorescence, IBR approved for §60.335(b)(10)(ii).
- (88) ASTM D6667-04, Standard Test Method for Determination of Total Volatile Sulfur in Gaseous Hydrocarbons and Liquefied Petroleum Gases by Ultraviolet Fluorescence, IBR approved for §60.4415(a)(1)(ii).

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- (89) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), IBR approved for Appendix B to part 60, Performance Specification 12A, Section 8.6.2.
- (90) ASTM E168-67, 77, 92, General Techniques of Infrared Quantitative Analysis, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).
- (91) ASTM E169-63, 77, 93, General Techniques of Ultraviolet Quantitative Analysis, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).
- (92) ASTM E260-73, 91, 96, General Gas Chromatography Procedures, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).
- (b) The following material is available for purchase from the Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, VA 22209.
- (1) AOAC Method 9, Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12, IBR approved January 27, 1983 for §§60.204(b)(3), 60.214(b)(3), 60.224(b)(3), 60.234(b)(3).
- (c) The following material is available for purchase from the American Petroleum Institute, 1220 L Street NW., Washington, DC 20005.
- (1) API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980, IBR approved January 27, 1983, for §§60.111(i), 60.111a(f), 60.111a(f)(1) and 60.116b(e)(2)(i).
- (d) The following material is available for purchase from the Technical Association of the Pulp and Paper Industry (TAPPI), Dunwoody Park, Atlanta, GA 30341.
- (1) TAPPI Method T624 os-68, IBR approved January 27, 1983 for §60.285(d)(3).
- (e) The following material is available for purchase from the Water Pollution Control Federation (WPCF), 2626 Pennsylvania Avenue NW., Washington, DC 20037.
- (1) Method 209A, Total Residue Dried at 103-105 °C, in Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1980, IBR approved February 25, 1985 for §60.683(b).
- (f) The following material is available for purchase from the following address: Underwriter's Laboratories, Inc. (UL), 333 Pfingsten Road, Northbrook, IL 60062.
- (1) UL 103, Sixth Edition revised as of September 3, 1986, Standard for Chimneys, Factory-built, Residential Type and Building Heating Appliance.
- (g) The following material is available for purchase from the following address: West Coast Lumber Inspection Bureau, 6980 SW. Barnes Road, Portland, OR 97223.
- (1) West Coast Lumber Standard Grading Rules No. 16, pages 5-21 and 90 and 91, September 3, 1970, revised 1984.
- (h) The following material is available for purchase from the American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016-5990.
- (1) ASME QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators, IBR approved for §§60.56a, 60.54b(a), 60.54b(b), 60.1185(a), 60.1185(c)(2), 60.1675(a), and 60.1675(c)(2).
- (2) ASME PTC 4.1-1964 (Reaffirmed 1991), Power Test Codes: Test Code for Steam Generating Units (with 1968 and 1969 Addenda), IBR approved for §§60.46b of subpart Db of this part, 60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)(3) and 60.1810(a)(3).

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- (3) ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971), IBR approved for §§60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)4), and 60.1810(a)(4).
- (4) ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], IBR approved for Tables 1 and 3 of subpart EEEE, Tables 2 and 4 of subpart FFFF, Table 2 of subpart JJJJ, and §§60.4415(a)(2) and 60.4415(a)(3) of subpart KKKK of this part.
- (i) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846 Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996). This document may be obtained from the U.S. EPA, Office of Solid Waste and Emergency Response, Waste Characterization Branch, Washington, DC 20460, and is incorporated by reference for appendix A to part 60, Method 29, Sections 7.5.34; 9.2.1; 9.2.3; 10.2; 10.3; 11.1.1; 11.1.3; 13.2.1; 13.2.2; 13.3.1; and Table 29-3.
- (j) “Standard Methods for the Examination of Water and Wastewater,” 16th edition, 1985. Method 303F: “Determination of Mercury by the Cold Vapor Technique.” This document may be obtained from the American Public Health Association, 1015 18th Street, NW., Washington, DC 20036, and is incorporated by reference for appendix A to part 60, Method 29, Sections 9.2.3; 10.3; and 11.1.3.
- (k) This material is available for purchase from the American Hospital Association (AHA) Service, Inc., Post Office Box 92683, Chicago, Illinois 60675-2683. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A-91-61, Item IV-J-124), Room M-1500, 1200 Pennsylvania Ave., NW., Washington, DC.
  - (1) An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities. American Society for Health Care Environmental Services of the American Hospital Association. Chicago, Illinois. 1993. AHA Catalog No. 057007. ISBN 0-87258-673-5. IBR approved for §60.35e and §60.55c.
- (l) This material is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A-91-61, Item IV-J-125), Room M-1500, 1200 Pennsylvania Ave., NW., Washington, DC.
  - (1) OMB Bulletin No. 93-17: Revised Statistical Definitions for Metropolitan Areas. Office of Management and Budget, June 30, 1993. NTIS No. PB 93-192-664. IBR approved for §60.31e.
- (m) This material is available for purchase from at least one of the following addresses: The Gas Processors Association, 6526 East 60th Street, Tulsa, OK, 74145; or Information Handling Services, 15 Inverness Way East, PO Box 1154, Englewood, CO 80150-1154. You may inspect a copy at EPA's Air and Radiation Docket and Information Center, Room B108, 1301 Constitution Ave., NW., Washington, DC 20460.
  - (1) Gas Processors Association Method 2377-86, Test for Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tubes, IBR approved for §§60.334(h)(1), 60.4360, and 60.4415(a)(1)(ii).
  - (2) [Reserved]
- (n) This material is available for purchase from IHS Inc., 15 Inverness Way East, Englewood, CO 80112.
  - (1) International Organization for Standards 8178-4: 1996(E), Reciprocating Internal Combustion Engines – Exhaust Emission Measurement – Part 4: Test Cycles for Different Engine Applications, IBR approved for §60.4241(b).
  - (2) [Reserved]

[48 FR 3735, Jan. 27, 1983]

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

**SECTION 5. APPENDIX F**  
**40 CFR, Subpart A – General Provisions**

**§ 60.18 GENERAL CONTROL DEVICE REQUIREMENTS.**

(a) *Introduction.* This section contains requirements for control devices used to comply with applicable subparts of parts 60 and 61. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.

(b) *Flares.* Paragraphs (c) through (f) apply to flares.

(c)

(1) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(2) Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f).

(3) An owner/operator has the choice of adhering to either the heat content specifications in paragraph (c)(3)(ii) of this section and the maximum tip velocity specifications in paragraph (c)(4) of this section, or adhering to the requirements in paragraph (c)(3)(i) of this section.

(i)

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

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

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 §60.17).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (f)(4) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f)(3) of this section.

(4)

(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4) of this section, less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (c)(4) (ii) and (iii) of this section.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

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

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

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where:

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

$$K = \text{Constant} \cdot 1.740 \times 10^{-7} \left( \frac{1}{\text{ppm}} \right) \left( \frac{\text{g mole}}{\text{scm}} \right) \left( \frac{\text{MJ}}{\text{kcal}} \right)$$

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

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

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

- (4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

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**40 CFR, Subpart A – General Provisions**

- (5) The maximum permitted velocity,  $V_{max}$ , for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation.

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

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

28.8 = Constant

31.7 = Constant

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

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

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

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

8.706 = Constant

0.7084 = Constant

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

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

**§ 60.19 GENERAL NOTIFICATION AND REPORTING REQUIREMENTS.**

- (a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.
- (b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.
- (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable

## SECTION 5. APPENDIX F

### 40 CFR, Subpart A – General Provisions

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subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

- (e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (f)
  - (1)
    - (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.
    - (ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
  - (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.
  - (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
  - (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

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



SECTION 5. APPENDIX G  
RAP Crushing System Flow Diagram

